

Government of Bengal

Appointment Department

Reforms

The Bengal Electoral Orders and Rules

(Second Edition)

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1936

Published by the Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal

Agents in India.

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta.

Messrs. Thacker, Spink & Co., Calcutta.

Customers in the United Kingdom and the Continent of Europe may obtain publications either direct from the High Commissioner's office or through any bookseller.

TABLE OF CONTENTS.

PART I.

Schedules to the Act.

PART II.

Orders in Council.

PART III.

Electoral Rules.

PART IV.

Miscellaneous.

Page.

PART I.

Government of India Act, 1935.

Fifth Schedule.

GOVERNMENT OF INDIA ACT, 1935.

FIFTH SCHEDULE.

Section 61.

Composition of Provincial Legislatures.

General Qualification for Membership.

1. A person shall not be qualified to be chosen to fill a seat in a Provincial Legislature unless he—

(a) is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation or, if it is so prescribed with respect to any Province, the Ruler or a subject of any prescribed Indian State; and

(b) is, in the case of a seat in a Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in a Legislative Council, not less than thirty years of age; and

(c) possesses such, if any, of the other qualifications specified in or prescribed under this Schedule as may be appropriate in his case.

2. Upon the expiration of the term for which he is chosen to serve as a member of a Provincial Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

Legislative Assemblies.

3. The allocation of seats in Provincial Legislative Assemblies shall be as shown in the relevant Table of Seats appended to this Schedule.

4. In the Legislative Assembly of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

(i) the number specified in the third column shall be general seats of which the number specified in the fourth column shall be reserved for members of the scheduled castes and, in the case of Bombay, seven shall be reserved for Marathas;

(ii) the numbers specified in the next ten columns shall be the numbers of seats to be filled by persons chosen to represent respectively—(a) backward areas and backward tribes; (b) the Sikh community; (c) the Muhammadan community; (d) the Anglo-Indian community; (e) the European community; (f) the Indian Christian community; (g) the interests of commerce, industry, mining and planting; (h) landholders; (i) universities; and (j) the interests of labour; and

(*iii*) the numbers specified in the last five columns shall be the numbers of seats (being either general seats, Sikh seats, Muhammadan seats, Anglo-Indian seats or Indian Christian seats) reserved for women.

In the Punjab one of the landholders' seats shall be a seat to be filled by a Tumandar.

5. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

(*i*) for the election of persons to fill the general seats;

(*ii*) for the election of persons to fill the Sikh seats, if any;

(*iii*) for the election of persons to fill the Muhammadan seats;

(*iv*) for the election of persons to fill the Anglo-Indian seats, if any;

(*v*) for the election of persons to fill the European seats, if any; and

(*vi*) except in the case of Bihar, for the election of persons to fill the Indian Christian seats, if any; or if as respects any class of constituency it is so prescribed, may form one territorial constituency.

In the case of each such class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

6. The required number of general seats to be reserved for members of the scheduled castes, and in the Province of Bombay for Marathas, shall be reserved by reserving for members of those castes or, as the case may be, for Marathas one or more seats in each of so many of the general territorial constituencies as may be necessary, so, however, that in each such constituency there shall be at least one unreserved seat.

7. In a Province in which any general seats are reserved for members of the scheduled castes, all members of those castes who are entitled to vote in a constituency in which any seat is so reserved shall be entitled to take part in a primary election held for the purpose of electing four candidates for each seat so reserved, and no member of those castes not elected as a candidate at such an election shall be qualified to hold—

(*a*) a seat so reserved in that constituency;

(*b*) if it is so prescribed as respects that Province, any seat in that constituency.

In relation to bye-elections this paragraph shall have effect with such adaptations and modifications as may be prescribed.

8. The persons to fill the seats specified in columns fifteen to nineteen of the Table of Seats as seats to be filled by women shall be chosen in territorial constituencies, which shall be either—

(a) constituencies formed under paragraph five of this schedule; or

(b) constituencies specially formed for the purpose of electing women members.

9. The provisions of the Sixth Schedule to this Act shall have effect with respect to the persons who are entitled to vote at elections in the territorial constituencies mentioned in paragraphs five and eight of this Schedule.

10. In a Province in which any seats are to be filled by representatives of backward areas or backward tribes, representatives of commerce, industry, mining and planting, representatives of landholders, representatives of universities or representatives of labour, persons to fill those seats and in Bihar the person to fill the Indian Christian seat shall be chosen in such manner as may be prescribed.

Provided that in a Province in which any seats are to be filled by representatives of backward areas or backward tribes some or all of those seats may, if it is so prescribed, be treated in the prescribed manner as additional general seats to be reserved for representatives of such areas or tribes.

11. In the Punjab the landholder's seat to be filled by a Tumandar shall be assigned to such constituency as may be prescribed.

12. A person shall not be qualified to hold a seat in the Legislative Assembly of a Province unless—

(a) in the case of a seat to be filled by a woman, by a European, by an Indian Christian, by a representative of backward areas or backward tribes, by a representative of commerce, industry, mining and planting, by a representative of universities or by a representative of labour, he possesses such qualifications as may be prescribed; and

(b) in the case of any other seat, he is entitled to vote in the choice of a member to fill that seat or any other seat of a similar class in that Province.

Legislative Councils.

13. The allocation of seats in the Legislative Councils of Provinces having such Councils shall be as shown in the relevant Table of Seats appended to this Schedule.

14. In the Legislative Council of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

(*a*) the number specified in the third column shall be general seats;

(*b*) the numbers specified in the fourth, fifth and sixth columns shall be seats to be filled by persons chosen to represent respectively the Muhammadan community, the European community and the Indian Christian community;

(*c*) the number specified in the seventh column shall be seats to be filled by persons elected by the members of the Legislative Assembly of the Province in accordance with the system of proportional representation by means of the single transferable vote; and

(*d*) the number specified in the eighth column shall be seats to be filled by persons chosen by the Governor in his discretion.

15. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

(*i*) for the purpose of electing persons to fill the general seats;

(*ii*) for the purpose of electing persons to fill the Muhammadan seats;

(*iii*) for the purpose of electing persons to fill the European seats;

(*iv*) for the purpose of electing persons to fill the Indian Christian seats, if any, or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

In the case of each such class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

16. At an election in a constituency to fill a general seat, persons entitled to vote in a Muhammadan constituency, a European constituency, or an Indian Christian constituency shall not be entitled to vote.

In the case of a Muhammadan constituency, a European constituency, or an Indian Christian constituency no person shall be entitled to vote who is not, as the case may be, a Muhammadan, a European, or an Indian Christian.

17. The qualifications entitling a person to vote in territorial constituencies at elections of members of a Provincial Legislative Council, and the qualifications to be possessed by members of such Councils, shall be such as may be prescribed.

18. The term of office of a member of the Legislative Council of a Province other than a member chosen to fill a casual vacancy shall be nine years, but upon the first constitution of the Council the Governor in his discretion shall make by order such provision as he thinks fit by curtailing the term of office of some of the members then chosen for securing that, as nearly as may be, one-third of the members holding seats of each class shall retire in every third year thereafter.

A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

General.

19. In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say,—

"a European," "an Anglo-Indian," "an Indian Christian" and "the scheduled castes" have the same meanings respectively as they have in Part I of the First Schedule to this Act;

"backward areas" and "backward tribes" mean respectively such areas and tribes as His Majesty in Council may from time to time declare to be areas and tribes to which a special system of representation is more appropriate; and

"prescribed" means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Provincial Legislature or the Governor are competent to regulate, prescribed by an Act of that Legislature or by a rule made under the next succeeding paragraph.

20. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or after the constitution of the Provincial Legislature by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this Schedule and the provisions of the Sixth Schedule and securing the due constitution of the Provincial Legislature and in particular but without prejudice to the generality of the foregoing words with respect to—

(*i*) the notification of vacancies including casual vacancies and the proceedings to be taken for filling vacancies;

(*ii*) the nomination of candidates;

(*iii*) the conduct of elections including the application to elections of the principle of proportional representation by means of the single transferable vote, and the rules to regulate elections where certain of the seats to be filled are reserved for members of the scheduled classes, or in the case of Bombay for Marathas, or where certain of the seats allotted to any community must be held by a woman or by a specified type of landholder;

(*iv*) the expenses of candidates at elections;

(*v*) corrupt practices and other offences at or in connection with elections;

(*vi*) the decision of doubts and disputes arising out of or in connection with elections; and

(*vii*) the manner in which the rules are to be carried into effect.

Table of Seats.

Provincial Legislative Assemblies.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
		General Seats.												Seats for Women.				
Province.	Total Seats.	Total of General Seats.	General Seats reserved for Scheduled Castes.	Seats for representatives of backward areas and tribes.	Sikh Seats.	Muhammadan Seats.	Anglo-Indian Seats.	European Seats.	Indian Christian Seats.	Seats for representatives of commerce, industry, mining and planting.	Landholders' Seats.	University Seats.	Seats for representatives of labour.	General.	Sikh.	Muhammadan	Anglo-Indian.	Indian Christian.
Madras ..	215	146	30	1	..	28	2	3	8	6	6	1	6	6	..	1	..	1
Bombay ..	175	114	15	1	..	29	2	3	3	7	2	1	7	5	..	1	..	..
Bengal ..	250	78	30	..	..	117	3	11	2	19	5	2	8	2	..	2	1	..
United Provinces ..	228	140	20	..	..	64	1	2	2	3	6	1	3	4	..	2	..	...
Punjab ..	175	42	8	..	31	84	1	1	2	1	5	1	3	1	1	2	..	..
Bihar ..	152	86	15	7	..	39	1	2	1	4	4	1	3	3	..	1	..	..
Central Provinces and Berar.	112	84	20	1	..	14	1	1	..	2	3	1	2	3	..	..	..	..
Assam ..	108	47	7	9	..	34	..	1	1	11	..	..	4	1	..	..	..	..
North-West Frontier Province.	50	9	..	..	3	36	..	..	..	..	2	..	..	..	..	..	..	..
Orissa ..	60	44	6	5	..	4	..	..	1	1	2	..	1	2	..	..	..	..
Sind ..	60	18	..	..	..	33	..	2	..	2	2	..	1	1	..	1	..	..

In Bombay seven of the general seats shall be reserved for Marathas.
In the Punjab one of the landholders' seats shall be a seat to be filled by a Tumandar.
In Assam and Orissa the seats reserved for women shall be non-communal seats.

TABLE OF SEATS.

Provincial Legislative Councils.

1 Province.	2 Total of Seats.	3 General Seats.	4 Muhammadan Seats.	5 European Seats.	6 Indian Christian Seats.	7 Seats to be filled by Legislative Assembly.	8 Seats to be filled by Governor.
Madras	Not less than 54 Not more than 56	35	7	1	3	..	Not less than 8. Not more than 10.
Bombay	Not less than 29 Not more than 30	20	5	1	..	..	Not less than 3. Not more than 4.
Bengal	Not less than 63 Not more than 65	10	17	3	..	27	Not less than 6. Not more than 8.
United Provinces	Not less than 58 Not more than 60	34	17	1	..	..	Not less than 6. Not more than 8.
Bihar	Not less than 29 Not more than 30	9	4	1	..	12	Not less than 3. Not more than 4.
Assam	Not less than 21 Not more than 22	10	6	2	..	..	Not less than 3. Not more than 4.

Government of India Act, 1935.

Sixth Schedule.

GOVERNMENT OF INDIA ACT, 1935.

SIXTH SCHEDULE.

Provisions as to Franchise.

Part I.—General.

1. There shall be an electoral roll for every territorial constituency and no person who is not, and, except as expressly provided by this Schedule, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

2. The electoral rolls for the territorial constituencies shall be made up and from time to time in whole or in part revised by reference to such date, in this Schedule referred to as "the prescribed date", as may be directed in each case by the Governor exercising his individual judgment.

3. No person shall be included in the electoral roll for any territorial constituency unless he has attained the age of twenty-one years and is either—

(*a*) a British subject; or

(*b*) the Ruler or a subject of a Federated State; or

(*c*) if and so far as it is so prescribed with respect to any Province, and subject to any prescribed conditions, the Ruler or a subject of any other Indian State.

4. No person shall be included in the electoral roll for or vote at any election in any territorial constituency if he is of unsound mind and stands so declared by a competent court.

5. No person shall be included in the electoral roll for a Sikh constituency, a Muhammadan constituency, an Anglo-Indian constituency, a European constituency or an Indian Christian constituency unless he is a Sikh, a Muhammadan, an Anglo-Indian, a European or an Indian Christian, as the case may be.

6. No person who is or is entitled to be included in the electoral roll for any Sikh constituency, Muhammadan constituency, Anglo-Indian constituency, European constituency or Indian Christian constituency in any Province shall be included in the electoral roll for a general constituency in that Province or vote at any election to fill a general seat therein:

Provided that this paragraph shall not apply in relation to the general seats reserved for women in Assam and Orissa or the constituencies for the election of persons to fill those seats.

7. No person shall, in any Province, vote at a general election in more than one territorial constituency, and, in each Province, such provisions, if any, as may be prescribed in relation to that Province shall have effect for the purpose of preventing persons being included in the electoral roll for more than one territorial constituency in the Province:

Provided that in any Province in which territorial constituencies have been specially formed for the purpose of electing women members, nothing in this paragraph or in any such provisions shall prevent a person from being included in the electoral roll for, and voting at a general election in, one territorial constituency so formed and also one territorial constituency not so formed.

8. No person shall be included in the electoral roll for, or vote at any election in, a territorial constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Provincial Legislature or rules made by the Governor as may be made or passed under this Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for territorial constituencies in which it may be included.

9. No person shall vote at any election in any territorial constituency, if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

10. The following provisions shall have effect with respect to the enfranchisement of women in respect of the qualifications of their husbands—

(*a*) a woman who, at the date of the death of her husband, is included in an electoral roll for a territorial constituency by virtue of his qualifications shall, notwithstanding anything in the subsequent provisions of this Schedule, continue to be on the roll for that constituency unless she remarries or becomes disqualified under the foregoing provisions of this Schedule for inclusion in that roll;

(*b*) not more than one woman shall at any one time appear in the electoral rolls for the territorial constituencies in a Province in respect of the qualifications of any particular man and any question which of several women is to be selected for inclusion shall be determined in the prescribed manner:

Provided that if a woman who is entitled by virtue of sub-paragraph (*a*) of this paragraph to remain on the roll of a territorial constituency changes her place of residence, then, if she so desires, she may, on any subsequent revision of the roll, be transferred to the roll of such other territorial constituency as may be appropriate.

11. For the purposes of this Schedule any property owned, held, or occupied or payment made by or assessment made on a person as a trustee, guardian, administrator or receiver or in any other fiduciary capacity, shall, except as otherwise expressly provided in this Schedule, be left out of account.

12. This Schedule shall have effect as if any reference therein to an officer, non-commissioned officer, or soldier of His Majesty's regular military forces included a reference to an officer or man of any British India police force, not being an officer or man who has been dismissed or discharged from that force for disciplinary reasons, and a reference to an officer, non-commissioned officer or soldier of the Auxiliary Force (India) or the Indian Territorial Force, not being an officer, non-commissioned officer or soldier who has been dismissed or discharged from the force for disciplinary reasons, or has served in the force for less than four years.

13.—(1) In this Schedule, except where the context otherwise requires—

"territorial constituency" means one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to this Act;

"European," "Anglo-Indian," "Indian Christian" and "scheduled castes" have the same meanings respectively as they have in Part I of the First Schedule to this Act;

"Indian Christian constituency" does not include any constituency which may be formed for choosing persons to fill the Indian Christian seat in Bihar;

"person" does not include a body of persons;

"prescribed," except in the phrase "the prescribed date," has the same meaning as in the Fifth Schedule to this Act;

"previous financial year," "previous Bengali year" and "previous fasli year" mean respectively the financial year, the Bengali year, and the fasli year immediately preceding that in which the prescribed date falls;

"house" and "building" include respectively a part of a house or building separately occupied as a dwelling or for the purposes of any trade, business or profession;

"literate" means, in relation to any person, able to read and write in some language or dialect selected by him being a language or dialect in common use in some part of India;

"cantonment" means a cantonment for the purposes of the Cantonments Act, 1924, and "cantonment record" means a record prepared under that Act.

(2) Any reference in this Schedule to "urban constituencies" or "rural constituencies" shall be construed as a reference to such territorial constituencies as may be classified as urban or rural constituencies respectively by an Order in Council delimiting territorial constituencies:

Provided that any such Order in Council may direct that any Anglo-Indian constituency, European constituency or Indian Christian constituency shall be deemed to be an urban constituency for some purposes and a rural constituency for other purposes.

(3) Any reference in this Schedule to persons assessed to income tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income tax in that year if his share of the firm's income on which income tax was so assessed is certified in the prescribed manner to have been not less than the minimum on which the tax is leviable.

(4) If any question arises under this Schedule whether any person is or is not a Sikh, he shall be deemed to be a Sikh if and only if he makes in the prescribed manner a declaration in the prescribed form that he is a Sikh.

(5) Any reference in this Schedule to a retired, pensioned or discharged officer, non-commissioned officer or soldier of any force shall be deemed not to include a reference to any person who has been dismissed or discharged from that force for disciplinary reasons.

(6) Any reference in this Schedule to all or any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(7) If the boundaries of any district or other administrative area mentioned in this Schedule are altered, any reference in this Schedule to that district or area shall thereafter be taken as a reference to the district or area as altered.

Part IV.—Bengal.

General requirement as to residence.

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he has a place of residence in that constituency:

Provided that—

(a) in the case of a Calcutta constituency the provisions of this paragraph shall be deemed to be complied with in relation

to any person if he has a place of residence in Calcutta and a place of business within the constituency;

(b) in the case of a European constituency the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Bengal but is absent from Bengal on leave from his employment.

(2) In this paragraph "a place of residence" means a place where a person ordinarily and actually resides during the greater part of the year.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if he—

(a) has paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year; or

(b) was assessed during the previous year to income tax; or

(c) was during the previous year entered in the municipal assessment book or licence register, or any other authorised register maintained by the Corporation of Calcutta, as having paid in respect of that year either directly or indirectly any sum as consolidated rate, tax or licence fee to the Corporation; or

(d) has paid during and in respect of the previous year municipal or cantonment taxes or fees of not less than eight annas, or road and public works cesses under the Cess Act, 1880, of not less than eight annas, or Chaukidari tax under the Village Chaukidari Act, 1870, of not less than six annas, or union rate under the Bengal Village Self-Government Act, 1919, of not less than six annas.

Qualification dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if, at any time during the previous financial or Bengali year he has occupied by virtue of his employment a house in the Province the annual valuation of which is not less than forty-two rupees.

In this paragraph "annual valuation" means the annual rental of the house as ascertained from any accounts of the employer of the person in question which are required by or under any law to be regularly audited or, if the annual valuation is not so ascertainable, one-tenth of the annual remuneration received by the person in question for the employment by virtue of which he occupies it.

Educational Qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation examination of any prescribed university, or an examination prescribed as at least equivalent to any such examination, or if it is so prescribed, any other prescribed examination, not lower than a final middle school examination.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualifications for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or if her husband possesses the qualifications requisite for the purposes of this paragraph or if she is shown in the prescribed manner to be literate:

Provided that in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words "or if she is shown in the prescribed manner to be literate" were omitted therefrom.

7. In relation to a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

(*a*) he was during the previous year entered in the municipal assessment book as the owner and occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than one hundred and fifty rupees per annum, or as the owner or occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than three hundred rupees per annum and paid during that year his share of the consolidated rate on the land or building; or

(*b*) he has paid during and in respect of the previous year on his sole account and in his own name not less than twenty-four rupees either in respect of the taxes levied under Chapter XI, or in respect of the taxes levied under Chapter XII, cf the Calcutta Municipal Act, 1923; or

(c) his name is entered in the municipal assessment book in respect of any land or building in Calcutta in respect of which not less than twenty-four rupees was paid in the previous year in respect of the consolidated rate.

8. In relation to an urban constituency which is not a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid, in the municipality of Howrah, municipal taxes or fees of not less than three rupees, or, in any other municipal area or cantonment in the Province, municipal or cantonment taxes or fees of not less than one rupee, eight annas.

9. In relation to a rural constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid not less than one rupee, eight annas in respect of municipal taxes or fees, or not less than one rupee in respect of road and public works cesses under the Cess Act, 1880, or not less than two rupees in respect of Chaukidari tax under the Village Chaukidari Act, 1870, or in respect of union rate under the Bengal Village Self-Government Act, 1919.

10. In relation to any territorial constituency a husband shall be deemed to possess the qualifications requisite for the said purposes if he either is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces or was assessed in the previous year to income tax, or paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year.

Special provisions as to Darjeeling general constituency.

11. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any rural general constituency comprising any part of the Sadar, Kalimpong and Kurseong subdivisions of the Darjeeling district if that person either—

(a) has paid during and in respect of the previous year rent of not less than twenty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than two rupees for any land in the Province not situate in a municipal area; or

(b) is the wife of a person who, during and in respect of the previous year, has paid rent of not less than sixty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than six rupees for any land in the Province not situate in a municipal area.

Application necessary for enrolment in certain cases.

12. No person shall by virtue of paragraph three or paragraph four of this Part of this Schedule be included in the electoral roll of any territorial constituency, unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf, that he should be so included.

Special provisions as to Muhammadan women's constituency.

13. No man shall be included in the electoral roll for, or be entitled to vote at any election in any Muhammadan constituency specially formed for the election of persons to fill the seats reserved for women.

Interpretation, etc.

14.—(1) In this Schedule, in relation to Bengal,—

"Calcutta" means Calcutta as defined in paragraph 11 of section three of the Calcutta Municipal Act, 1923;

"a Calcutta constituency" means, subject to the provisions of this paragraph with respect to Anglo-Indian constituencies, European constituencies or Indian Christian constituencies, a constituency which comprises any part of Calcutta;

"previous year" means the previous financial year or the previous Bengali year, whichever is appropriate in the particular case;

"Bengali year" means a year ending on the last day of the Bengali month of Chaitra.

(2) Notwithstanding anything in this paragraph an Order in Council delimiting territorial constituencies may provide that any Anglo-Indian constituency, European constituency or Indian Christian constituency comprising any part of Calcutta, shall, for all or any of the purposes of this Part of this Schedule, be deemed not to be a Calcutta constituency.

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves:

Provided that this paragraph shall not apply where members of a joint family have separate accommodation and separate messing, and in any such case any reference in this Part of this Schedule to any property, payment or assessment shall be construed as a reference to each member's share of that property, payment or assessment.

PART II.

The Government of India (Scheduled Castes) Order, 1936.

The Government of India (Scheduled Castes) Order, 1936.

At the Court at Buckingham Palace, the 30th day of April, 1936.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by certain provisions in the First, Fifth and Sixth Schedules to the Government of India Act, 1935, His Majesty in Council is empowered to specify the castes, races or tribes or parts of or groups within castes, races or tribes which are to be treated as the scheduled castes for the purposes of those Schedules:

AND WHEREAS a draft of this Order was laid before Parliament in accordance with the provisions of subsection (1) of section three hundred and nine of the said Act and an Address has been presented by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the said powers and of all other powers enabling him in that behalf, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows:—

1. This Order may be cited as "The Government of India (Scheduled Castes) Order, 1936."

2. Subject to the provisions of this Order, for the purposes of the First, Fifth and Sixth Schedules to the Government of India Act, 1935, the castes, races or tribes, or parts of or groups within castes, races or tribes specified in Parts I to IX of the Schedule to this Order shall, in the Provinces to which those Parts respectively relate, be deemed to be scheduled castes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.

3. Notwithstanding anything in the last preceding paragraph—

(*a*) no Indian Christian shall be deemed to be a member of a scheduled caste;

(*b*) in Bengal no person who professes Buddhism or a tribal religion shall be deemed to be a member of any scheduled caste;

and if any question should arise as to whether any particular person does or does not profess Buddhism or a tribal religion, that question shall be determined according to the answers which

he may make, in the prescribed manner, to such questions as may be prescribed.

4. In this Order the expression "Indian Christian" has the same meaning as it has for the purposes of Part I of the First Schedule to the Government of India Act, 1935, and the expression "prescribed" means prescribed by rules made by the Governor of Bengal, exercising his individual judgment.

5. Any reference in the Schedule to this Order to any division, district, subdivision, tahsil or municipality shall be construed as a reference to that division, district, subdivision, tahsil or municipality as existing on the first day of July, nineteen hundred and thirty-six.

M. P. A. Hankey.

SCHEDULE.

*   *   *   *

Part III.—Bengal.

Scheduled castes throughout the Province:—

Agariya	Hari	Mal
Bagdi	Ho	Mallah
Bahelia	Jalia Kaibartta	Malpahariya
Baiti	Jhalo Malo, or Malo	Mech
Bauri	Kadar	Mehtor
Bediya	Kan	Muchi
Beldar	Kandh	Munda
Berua	Kandra	Musahar
Bhatiya	Kaora	Nagesia
Bhuimali	Kapuria	Namasudra
Bhuiya	Karenga	Nat
Bhumij	Kastha	Nuniya
Bind	Kaur	Oraon
Binjhia	Khaira	Paliya
Chamar	Khatik	Pan
Dhenuar	Koch	Pasi
Dhoba	Konai	Patni
Doai	Konwar	Pod
Dom	Kora	Rabha
Dosadh	Kotal	Rajbanshi
Garo	Lalbegi	Rajwar
Ghasi	Lodha	Santal
Gonrhi	Lohar	Sunri
Hadi	Mahar	Tiyar
Hajang	Mahli	Turi
Halalkhor		

The Government of India (Provincial Legislative Assemblies) Order, 1936.

The Government of India (Provincial Legislative Assemblies) Order, 1936.

At the Court at Buckingham Palace, the 30th day of April, 1936.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by section two hundred and ninety-one of, and the Fifth and Sixth Schedules to, the Government of India Act, 1935 (hereafter in this Order referred to as "the Act"), His Majesty in Council is empowered to make provision with respect to certain matters connected with Provincial Legislative Assemblies:

And whereas by sub-section (4) of section three hundred and eight of the Act His Majesty in Council is empowered to make amendments of the provisions of the Act relating to the qualifications of members of Provincial Legislative Assemblies and the qualifications entitling persons to be registered as voters for the purposes of elections to those Assemblies:

And whereas a draft of this Order has been laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the Act, and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

Now, therefore, His Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:—

Part I.—Introductory and General.

Introductory.

1. This Order may be cited as the Government of India (Provincial Legislative Assemblies) Order, 1936.

2. (1) In this Order, except where the context otherwise requires—

"territorial constituency" means one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to the Act;

"special constituency" means a constituency not being a territorial constituency;

"seat", "election", and "constituency" in relation to any Province mean respectively a seat in the Legislative Assembly of that Province and an election or a constituency for the purpose of filling such a seat, and "election" includes a primary election;

"prescribed", except in the phrase "the prescribed date", has the same meaning as in the Fifth Schedule to the Act;

"rules" means rules made under paragraph twenty of the Fifth Schedule to the Act;

"commerce" includes banking, insurance and transport;

"mining" includes the getting of oil;

"factory" means a factory within the meaning of the Factories Act, 1934, and "perennial factory" means a factory which is not a seasonal factory for the purposes of that Act;

"mine" means a mine which is subject to the provisions of the Indian Mines Act, 1923;

"Gazette" means the Government Gazette of the province in question;

"preparation" in relation to an electoral roll includes revision thereof and "prepare" shall be construed accordingly;

"member" in relation to a constituent body for a commerce and industry, mining or planting constituency does not include an associate member;

and, subject as aforesaid and to any other provisions of this Order, expressions to which a meaning is assigned by the Sixth Schedule to the Act, either generally or in relation to any particular Province, have, except where the context otherwise requires, the same meanings for the purposes of this Order, either generally or in relation to that Province, as the case may be.

(2) The fact that one of two territorial constituencies is an urban and the other a rural constituency, or that in one of them the seat or one of the seats is a woman's seat or a reserved seat, shall not prevent them being deemed to be constituencies of the same communal description or constituencies of a similar class if they are both general constituencies or constituencies assigned to a specified community and the expressions "seat of the same communal description" and "seat of a similar class" shall for the purposes of the Schedules to the Act and of this Order be construed accordingly.

(3) Any reference in this Order to a paid up capital of not less than a specified amount shall be construed as including a reference to a paid up capital of not less than the equivalent of that amount in sterling.

(4) Any reference in this Order to all or any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(5) The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Special Constituencies.

3. There shall be an electoral roll for every special constituency and no person who is not, and except as expressly provided by the Fifth Schedule to the Act and this Order, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

4. The electoral rolls for the special constituencies shall be made up, and from time to time in whole or in part revised, by reference to such date, in this Order referred to as "the prescribed date", as may be directed in each case by the Governor exercising his individual judgment.

5. Subject to any express provisions of this Order, no person shall be included in the electoral roll for any special constituency unless he has attained the age of twenty-one years and is either:—

(*a*) a British subject; or

(*b*) the Ruler or a subject of a Federated State; or

(*c*) if and so far as it is so prescribed with respect to any Province, and subject to any prescribed conditions, the Ruler or a subject of any other Indian State.

6. No person shall be included in the electoral roll for, or vote at any election in, a special constituency if he is of unsound mind and stands so declared by a competent court.

7. No person shall be included in the electoral roll for, or vote at any election in, a special constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Provincial Legislature or rules as may be made or passed under the Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for special constituencies in which it may be included.

8. No person shall vote at an election in a special constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

9. For the purposes of the provisions of this Order relating to the qualifications for inclusion in electoral rolls for special constituencies, any property owned, held or occupied or payment made by, or assessment made on, a person as a trustee, guardian, administrator or receiver, or in any other fiduciary capacity, shall, subject as hereinafter provided, be left out of account:

Provided that except in the United Provinces a person shall be qualified to be included in the electoral roll for a landholders' constituency if he—

(*a*) is on the prescribed date the guardian of a minor who under this Order would have been entitled to be included in that roll if he were of full age and satisfied the relevant requirements of this Order as to residence; and

(*b*) would himself have been entitled to be included in that roll, if the property of the minor were his own property.

10. For the purposes of the said provisions, where property is owned, held or occupied or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family

shall be adopted as the unit for deciding whether any qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and, in the case of any other joint family, the member thereof authorised in that behalf by the family:

Provided that in the case of Bengal this paragraph shall not apply where members of a joint family have separate accommodation and separate messing, and in the case of the Punjab it shall not apply where the respective shares of the members of a joint family are specified in land records or municipal or cantonment records or a decree of a civil court.

11. Subject to the provisions of the last preceding paragraph, where any property is owned, held or occupied or payments are made, jointly by, or assessments are made jointly on, more than one person, any reference in the provisions of this Order relating to special constituencies to any property, payment or assessment shall be construed as a reference to each person's share of that property, payment or assessment.

12. Where under the provisions of this Order any qualification for being included in an electoral roll for a special constituency depends upon the owning or holding of land in a specified area, or the being assessed or the making of payments in respect of land in a specified area, two or more parcels of land in that area owned or held by a person, and assessments made on or payments made by a person in respect of two or more parcels of land in that area, may be aggregated for the purpose of determining whether the qualification exists, but without prejudice, and subject to any express provision in this Order with respect to such aggregation.

13. A person shall not be qualified to be included in the electoral roll for any labour constituency if he is subject to Indian military law.

General.

14. (1) For the avoidance of doubt, it is hereby declared that a primary election held for the purpose of electing candidates for a seat reserved for members of the Scheduled Castes may be proceeded with notwithstanding that less than four candidates stand at that primary election, and that the remainder of the election may be proceeded with notwithstanding that, by reason of a deficiency of candidates at the primary election or by reason of the withdrawal or death of candidates elected thereat, there are or remain less than four duly elected Scheduled Caste candidates for the seat.

(2) At a poll at any such primary election no voter shall have more than one vote.

(3) Save as expressly provided in this Order with respect to Bengal a member of the Scheduled Castes shall not be disqualified to hold a seat not reserved for members of the Scheduled Castes by reason that he has not been elected at a primary election as a candidate for a seat so reserved.

15. Subject to any express provisions of this Order to the contrary, where at an election a poll is taken for the purpose of filling more than one seat, a voter shall have as many votes as there are seats to be filled

on the poll and may give all those votes to one candidate, or may distribute them between such candidates and in such manner as he thinks fit.

16. (1) The provisions of this paragraph shall apply in relation to any election in a constituency where the seats to be filled include a seat or seats reserved for members of the Scheduled Castes, or a seat reserved for a Maratha, a representative of backward tribes or areas, or, in the case of the Bengal Anglo-Indian constituency, a woman.

(2) If the number of candidates qualified to be chosen to fill a seat or seats so reserved is equal to the number of seats so reserved all those candidates shall be declared to be elected to fill the reserved seat or reserved seats and a poll shall only be taken if necessary for filling any seat or seats not filled under this sub-paragraph.

(3) If the number of candidates qualified to be chosen to fill a seat or seats so reserved is greater than the number of seats so reserved, then, when the counting of the votes has been completed, the Returning Officer shall first declare that one, or those, of the qualified candidates to whom the largest number of votes has been given to be elected to fill the reserved seat or the reserved seats.

(4) If the number of candidates qualified to be chosen to fill a seat or seats so reserved is less than the number of seats so reserved, all those candidates, if any, shall be declared to be elected to fill seats so reserved, and the Governor, exercising his individual judgment, shall by notification in the Gazette call on the constituency to elect a person or persons, as the case may be, within such time as may be specified in the notification :

Provided that where a constituency having been already so called upon has failed to elect a person, or the requisite number of persons, as the case may be, to fill a vacancy or vacancies, the Governor shall not be bound again to call upon the constituency to elect a person or persons to fill the vacancy or vacancies until such time as, exercising his individual judgment, he may think fit.

17. If, when a poll has been taken at an election, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be given by the Returning Officer to the candidate, or, as the case may be, the candidates, selected by lot drawn in the presence of the Returning Officer in such manner as he may determine.

18. (1) The fact that a person or body has, in relation to any constituency, more than one qualification to be included, or to nominate persons to be included, in the electoral roll therefor, shall not increase his or its rights as respects inclusion, or as the case may be, the nomination of persons for inclusion, in that roll.

(2) No person shall be entitled to be included twice in the electoral roll for any particular constituency, and the fact that a person is included twice in the electoral roll for a constituency shall not increase his rights as respects voting therein.

19. If a person is elected to more than one seat in the Legislative Assembly of a Province then, unless within the prescribed time he resigns all but one of the seats, all the seats shall become vacant.

20. (1) The dates on which nominations are to be made and scrutinised, polls held and other acts done in connection with elections to a Provincial Legislative Assembly shall be fixed by the Governor in his discretion.

(2) Nothing in this paragraph shall be construed as preventing Acts of the Provincial Legislature or rules from making general provision with respect to the intervals which are to elapse between the successive stages of an election.

21. (1) In all constituencies the electoral rolls shall be prepared by such authority as the Governor exercising his individual judgment shall appoint:

Provided that in the preparation of such rolls the authority so appointed may, subject to any prescribed restrictions, employ such persons as he thinks fit.

(2) In all constituencies and at all elections the Returning Officer shall be a person in the service of the Crown in India.

22. (1) If the boundaries of any district or other administrative area mentioned in this Order or in the Sixth Schedule to the Act are altered, any reference in this Order or in the said Schedule to that district or area shall, as from such date or dates as may be fixed by the Governor, exercising his individual judgment, either for all purposes or for any particular purposes of this Order or of the said Schedule, be taken as a reference to the district or area as altered.

(2) Sub-paragraph (7) of paragraph thirteen of Part I of the Sixth Schedule to the Act (which relates to alterations in the boundaries of districts) shall cease to have effect.

23. The provisions of the Fifth and Sixth Schedules to the Act shall have effect subject to the minor amendments specified in the First Schedule to this Order.

24. The Governor of the Province may at any time by order vary the name of any territorial constituency if he deems it expedient so to do.

25. Notwithstanding anything in the Indian Income Tax Act, 1922, it shall be the duty of the appropriate income tax officers to give to any person charged by law with the duty of enquiring into the qualifications of electors such information as is necessary for the purpose of enabling him to discharge that duty.

26. Anything which under the provisions of the Act, or of this Order, is required or authorised to be done by, to or before the Governor of a Province in connection with the preparation of electoral rolls or the holding of elections, or otherwise for the purpose of constituting the Legislative Assembly of the Province in due time (whether or not the Governor is to act in his discretion or to exercise his individual judgment) shall, before the commencement of Part III of the Act, be done by, to or before the Governor in Council or, in the case of Sind or Orissa, the Governor.

Part IV.—Bengal.

The Territorial Constituencies.

1. (1) The territorial constituencies for the Province shall be those specified in the first column of the tables in Parts I to VI of the Fourth Schedule to this Order, the extent thereof shall be as specified in the second column of those tables and the total number of seats to be filled in each of them shall be as specified in the third column of those tables.

(2) The women's constituencies specified in Part III of the said Schedule are constituencies specially formed under sub-paragraph (*b*) of paragraph eight of the Fifth Schedule to the Act.

(3) In the case of the general constituencies, of the total number of seats to be filled in each constituency the number of seats, if any, specified in the fourth column of the table shall be reserved for members of the scheduled castes.

(4) All the Anglo-Indian, European and Indian Christian constituencies shall, for the purposes of paragraph eight of Part IV of the Sixth Schedule to the Act, be deemed to be urban constituencies, and, for the purposes of paragraph nine of that Part of that Schedule, be deemed to be rural constituencies, and, for the purpose of paragraph 8 of that part of that Schedule (but not for the purposes of paragraph 7 thereof), none of the said constituencies shall be deemed to be Calcutta constituencies.

Special Provision as to Scheduled Castes.

2. In a constituency in which a seat is reserved for a member of the Scheduled Castes, no member of those castes shall be qualified to be chosen to fill any seat in the constituency unless he was selected as a candidate for the reserved seat or seats at the primary election of candidates therefor:

Provided that this paragraph shall not apply in relation to a bye-election at which no reserved seat is to be filled.

Women's Seats.

3. A woman shall not be qualified to be chosen to fill a seat reserved for women unless she is entitled to vote in the choice of a person to fill that seat or some other seat of the same communal description.

Anglo-Indian Seats.

4. (1) Of the seats to be filled in the Anglo-Indian constituency one shall be reserved for a woman.

(2) At a poll in the said constituency a person while having as many votes as there are seats to be filled shall not give more than one vote to any one candidate and, when the seat reserved for a woman is to be filled, the maximum number of votes which a voter may give to male candidates shall be one less than the number of seats to be filled.

European Seats.

5. At a poll in a European constituency when more than one seat is to be filled, a person while having as many votes as there are seats to be filled, shall not give more than one vote to any one candidate.

6. A person shall not be qualified to be chosen to fill a European seat unless he is a European entitled to vote in the choice of a member to fill that seat or some other seat.

Indian Christian Seats.

7. A person shall not be qualified to be chosen to fill an Indian Christian seat unless he is an Indian Christian entitled to vote in the choice of a member to fill that seat or some other seat in a territorial constituency.

Commerce, Industry, Mining and Planting Seats.

8. (1) The seats to be filled by representatives of commerce and industry shall be filled by elections in the constituencies specified in the first column of the table in Part VII of the Fourth Schedule to this Order.

(2) The electoral roll for each of the said constituencies shall be based, in the manner hereafter provided, on membership of the bodies (hereafter referred to as "constituent bodies") mentioned in the names of those constituencies respectively.

(3) In the third column of the said table is specified the number of seats assigned to each constituency.

9. (1) Subject to the provisions of this Order, a person shall be qualified to be included in the electoral roll for a commerce and industry, mining or planting constituency if he is himself a qualified member of the constituent body, or is the nominee in that behalf of a firm, Hindu joint family or corporation which is a qualified member of that body.

(2) For the purposes of this paragraph, a member of a constituent body shall be deemed to be a qualified member thereof if, and only if he or it—

(*a*) is a subscribing member shown as such in the list of members and has paid all subscriptions accrued due before the end of the previous financial year; and

(*b*) is engaged in commerce or industry and has a place of business in the Province; and

(*c*) in the case of an individual, a firm or a Hindu joint family, was in any one of the five financial years immediately preceding that in which the prescribed date falls, assessed to income tax on an income of not less than ten thousand rupees derived from commerce or industry; and

(*d*) in the case of a corporation, has a paid up capital of not less than one lakh of rupees.

(3) For the purposes of this paragraph—

(*a*) if in any financial year the partners in a firm have been separately assessed to income tax on their shares of the income of the firm derived from commerce or industry, the firm shall be deemed to have been assessed to income tax on that income to an amount equal to the aggregate of the assessments so made on the partners in the firm for the time being in respect of that income of the firm; and

(*b*) a firm shall be deemed to retain its identity notwithstanding any change in the partners therein.

(4) In relation to the Indian Tea Association constituency, this paragraph shall have effect as if the references in sub-paragraphs (2) and (3) thereof to commerce or industry were references to planting, and, in relation to the Indian Mining Association constituency, it shall have effect as if the said references were references to mining.

10. (1) A firm, corporation or Hindu joint family shall be entitled to nominate not more than three persons for the purposes of the last preceding paragraph, and the names of the persons so nominated shall be inserted in the electoral roll as being the nominees of the firm, corporation or family in question, but not more than one of those persons shall be entitled to vote at any election.

(2) No person shall be nominated as aforesaid by a firm or Hindu joint family, unless he is a member thereof or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

(3) No person shall be nominated as aforesaid by a corporation unless he is a director, managing agent or manager thereof, or the secretary thereof, or a person who is and has for at least six months been authorised to sign documents in its name in the ordinary course of its business.

11. (1) No person shall be, or be entitled to nominate persons to be, included in the electoral roll for more than one commerce and industry constituency.

(2) If at a general election a person votes in more than one commerce and industry constituency, his votes in all those constituencies shall be void.

12. A person shall not be qualified to fill a commerce and industry, mining or planting seat unless he is included in the electoral roll for the constituency.

Landholders Seats.

13. (1) The seats to be filled by representatives of landholders shall be filled by elections in the constituencies specified in the table in Part VIII of the Fourth Schedule to this Order.

(2) The extent of each such constituency shall be as specified in the second column of that table.

(3) One seat shall be filled in each of those constituencies.

14. A person shall not be qualified to be included in the electoral roll for a landholder's constituency unless he has a place of residence in the constituency.

15. (1) Subject to the provisions of this Order, a person shall be qualified to be included in the electoral roll for a landholders' constituency if during the previous year he either—

(*a*) within the Burdwan and Presidency divisions held in his own right as a proprietor or as a permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from a proprietor, and paid in respect thereof land revenue or rent or both amounting to not less than three thousand rupees, or road and public works cesses amounting to not less than seven hundred rupees; or

(*b*) within the Dacca, Rajshahi and Chittagong divisions held in his own right as a proprietor or as a permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from a proprietor, and paid in respect thereof land revenue or rent or both amounting to not less than two thousand rupees, or road and public works cesses amounting to not less than five hundred rupees:

Provided that a person shall not be qualified to be included in the electoral roll for more than one landholders' constituency, and a person who would but for this provision be qualified to be included in the electoral roll for more than one such constituency shall be included in the roll for that constituency in which he made the greatest payment of land revenue, rent or cesses, as the case may be.

(2) In this paragraph—

"estate" means land included under one entry in any of the general registers of revenue paying lands or revenue free lands prepared and maintained under the law for the time being in force by the collector of a district, and includes Government khas mahals, and revenue free lands not entered in any register;

"permanent tenure" means a tenure which is heritable and which is not held for a limited time;

"proprietor" means a person owning an estate or share of an estate.

(3) In determining any question whether a person possesses any qualification by virtue of the payment of land revenue or road and public works cesses—

(*a*) estates, permanent tenures and shares of such estates and tenures within the district of the Chittagong Hill Tracts shall be left out of account;

(*b*) an estate or share of an estate shall not be taken into account if it is registered in the name of some other person in the register maintained under the Land Registration Act, 1876;

(*c*) if an amount of land revenue or rent, or road and public works cesses, paid in respect of any share of an estate or permanent tenure is not definitely known, the district officer of the district in which the estate or tenure is situated shall estimate the amount paid in respect of the share and his decision shall be final.

(4) For the purposes of the provisions of this Order relating to landholder's seats, a mutwali or manager of a wakf estate, or a shebait of a debutter estate shall be deemed to hold that estate and make payments in respect thereof in his own right and not in a fiduciary capacity.

(5) For the purposes of the said provisions any person whose estate or tenure or whose part of an estate or tenure is under the Court of Wards shall be deemed to be holding it in his own right as proprietor or as tenure holder, as the case may be, and any payment of land revenue, cess or rent in respect thereof made by the Court of Wards shall be deemed to have been made by him and any such estate or part of estate shall not be left out of account by reason that it is registered in the name of some other person.

16. If at a general election a person votes in more than one landholder's constituency, his votes in all those constituencies shall be void.

Labour Seats (other than tea garden labour seats).

17. (1) The seats to be filled by representatives of labour, other than the seat assigned by this Order to tea garden labour, shall be filled by elections in the constituencies specified in the first column of the first and second of the tables in Part IX of the Fourth Schedule to this Order.

(2) One seat shall be filled in each of those constituencies.

(3) Of those constituencies the constituencies mentioned in the first of the said tables shall be trade union constituencies, that is to say, constituencies the electoral rolls for which shall, in the manner hereafter provided, be based on the trade unions mentioned in the second column of that table.

The trade unions on membership of which the electoral roll of a labour constituency is to be based as aforesaid are hereafter referred to as "constituent trade unions."

(4) The remainder of the said constituencies (hereafter referred to as "factory or colliery constituencies") shall be non-union labour constituencies and the electoral roll for each such constituency shall be based, in the manner hereafter provided on employment at qualifying industrial establishments, that is to say, in the case of the Colliery (Coal Mines) constituency, mines and, in the case of the other constituencies, perennial factories, being mines or factories situated in the area mentioned in relation to the constituency in the second column of the table.

18. (1) A trade union shall be deemed to be a constituent trade union if and only if it is a recognised trade union and is certified by the Governor, exercising his individual judgment to be, in the case of the Railway Trade Union constituency, a union the rules of which restrict ordinary membership to persons normally working on railways, and, in the case of the Water Transport Trade Union constituency, a union, at least 80 per cent. of the members of which are engaged in water transport and either possess certificates of discharge under Section 43 of the Indian Merchant Shipping Act, 1923, at the port of Calcutta or Chittagong, or are ordinarily employed as masters or members of the crew of vessels used for navigation in inland waters.

(2) A Trade Union shall be deemed for the purposes of this Order, to be a recognised Trade Union if and only if it is certified by the Governor exercising his individual judgment—

(*a*) to be a *bona fide* Trade Union existing wholly or mainly for industrial or provident purposes; and

(*b*) to have been in existence for at least two years and to have been registered as a trade union for at least one year; and

(*c*) to have had throughout the financial year preceding that in which the certificate is given at least 250 ordinary members who have paid subscriptions for the whole of that year; and

(*d*) to have complied with any requirements imposed by or under the Indian Trade Unions Act, 1926, with respect to the inspection of its books by the registrar of trade unions and with respect to the audit of its accounts.

(3) The Governor, exercising his individual judgment, shall from time to time reconsider the circumstances of the registered trade unions operating in the Province and shall revoke certificates previously issued and grant new certificates, as the circumstances may appear to him to require.

(4) The Governor, exercising his individual judgment, may from time to time appoint a tribunal to perform the functions conferred on him by the foregoing provisions of this paragraph and while any such appointment is in force the said provisions shall have effect as if references therein to the Governor were references to that tribunal.

19. (1) A person shall not be qualified to be included in the electoral roll for a trade union, factory or colliery labour constituency unless he has lived in the Province for a period of not less than six months in the year ending on the prescribed date:

Provided that this paragraph shall not apply in relation to the Water Transport Trade Union constituency.

(2) A person shall not be qualified to be included in the electoral roll for any such labour constituency if he is employed wholly or mainly in a clerical, supervisory, recruiting or administrative capacity, and Acts of the Provincial Legislature and rules may contain provisions for defining the persons who are to be treated as falling within the provisions of this paragraph.

(3) A person shall not be qualified to be included in the electoral roll for the Railway Trade Union constituency unless he is employed within the Province.

(4) Subject to the provisions of this Order a person shall be qualified to be included in the electoral roll for the Railway Trade Union constituency if he—

(*a*) is, and has for at least 12 months been, a member, honorary member or official of a constituent Trade Union; and

(*b*) is not, in the case of an ordinary member of the union, in arrear with his subscription thereto.

(5) Subject to the provisions of this Order a person shall be qualified to be included in the electoral roll for the Water Transport Trade Union constituency if he is nominated in that behalf by the executive of a constituent Trade Union and each constituent Trade Union shall be entitled to nominate one person for each complete 500 ordinary members of the Union who are not in arrear with their subscriptions to the Union and have been members of the Union for not less than six months.

(6) Subject to the provisions of this Order a person shall be qualified to be included in the electoral roll for a factory constituency if on not less than 180 days (whether successive or not) in the year ending on the prescribed date he has worked for remuneration at a rate not greater than Rs. 300 per month at one or more qualifying industrial establishments:

Provided that a person who in the said year has not worked as aforesaid at one qualifying industrial establishment on sufficient days to qualify him for inclusion in the electoral roll shall not by reason of his employment be included in the roll unless any prescribed requirements are complied with as to the making of an application for his enrolment and as to the production of evidence of his qualification.

(7) Subject to the provisions of this Order a person shall be qualified to be included in the electoral roll for the colliery constituency if he has been employed for a continuous period of not less than 60 days in the year ending on the prescribed date for remuneration at a rate not greater than Rs. 300 per month at one or more qualifying industrial establishments:

Provided that a person who in the said year has not been employed as aforesaid at one qualifying establishment throughout the two months immediately preceding the prescribed date shall not by reason of his employment be included in the roll unless any prescribed requirements are complied with as to the making of an application for his enrolment and as to the production of evidence of his qualification.

20. (1) A person shall not be qualified to be included in the electoral roll for more than one of the trade union, factory and colliery constituencies, and any person who would but for the provisions of this

paragraph be qualified to be included in more than one such roll shall be entitled to elect in which of the rolls he shall be included.

(2) If at a general election a person votes in more than one such constituency, his votes in all those constituencies shall be void.

21. (1) In the case of the railway trade union constituency all elections shall be conducted as follows—

(*a*) there shall be a primary election to choose an electoral college consisting of one person (being a person included in the electoral roll for the constituency) for every complete two hundred persons included in that roll; and

(*b*) the said electoral college shall proceed to elect persons to fill the seat to be filled at the election.

(2) At any such primary election no person shall have more than one vote.

22. A person shall not be qualified to be chosen to fill a seat in a trade union, factory or colliery constituency unless he either—

(*a*) is entitled to vote in the choice of a member to fill that seat or some other labour seat; or

(*b*) is a member, honorary member or official of a recognised trade union operating in the Province and, in the case of an ordinary member of such a union is not in arrear with his subscription thereto.

Tea Garden Labour Seat.

23. (1) The seat to be filled by representatives of tea garden labour shall be filled by elections in the constituencies specified in the first column of the third of the tables in Part IX of the Fourth Schedule to this Order.

(2) In the second column of that table are specified, in relation to each constituency, the tea gardens (hereafter referred to as "qualifying tea gardens") on employment in which the electoral roll for the constituency is, in the manner hereafter provided, to be based.

24. (1) At the first and every fourth subsequent general election, the seat shall be filled in the Bengal Dooars (Western) constituency, at the second and every fourth subsequent general election, the seat shall be filled in the Darjeeling Sadar constituency, at the third and every fourth subsequent general election, the seat shall be filled in the Bengal Dooars (Eastern) constituency, and at the fourth and every fourth subsequent general election, the seat shall be filled in the Kurseong constituency.

(2) Casual vacancies in the seat shall be filled in the constituency in which the seat was filled at the last preceding general election.

25. (1) Subject to the provisions of this Order, a person shall be qualified to be included in the electoral roll for any of the said constituencies, if he has during the year ending on the prescribed date worked as a permanent *employee* in one or more qualifying tea gardens on not less than 180 days.

Provided that a person who in the said year has not worked as aforesaid in one tea garden on sufficient days to qualify him for inclusion in the electoral roll shall not be included in the roll unless any prescribed requirements are complied with as to the making of an application for his enrolment and as to the production of evidence of his qualification.

(2) A person shall not be deemed to be working as a permanent *employee* in a tea garden on any day unless he is living either within the boundary of the garden or on land provided for that purpose by the owners thereof.

26. (1) A person shall not be qualified to be chosen to fill any of the said seats, unless either—

(*a*) he is a member of a qualifying tribe or caste and is entitled to vote in the choice of a member to fill some seat in the Province or some seat in the Legislative Assembly of Assam; or

(*b*) he is a member of one of the qualifying tribes or castes comprised in Group II and is entitled to vote in the choice of a member to fill some seat in the Legislative Assembly of Bihar; or

(*c*) he is a member of one of the qualifying tribes or castes comprised in Group III and is entitled to vote in the choice of a member to fill some seat in the Legislative Assembly of Orissa.

(2) In this paragraph "qualifying tribe or caste" means a tribe or caste belonging to any of the following groups, that is to say:—

Group I: —Bauri, Bhuyia, Bhutiya, Ghasi, Lepcha, Nepali, Paharia, Santal, Sikkimese.

Group II:—Ahir, Asor, Bauri, Bhogta, Bhuiya, Ghasi, Gond, Ho, Kharia, Kherwar, Lohar, Mahali, Munda, Malpaharia, Santal, Sauria, Turi.

Group III:—Barhi, Bhuyia, Ganda, Golla, Gonda, Kewat, Khond, Lohar, Munda, Oraon, Pan, Santal, Savara.

The University Seats.

27. (1) The seats to be filled by representatives of Universities shall be filled by elections in constituencies to be called respectively the Calcutta University Constituency and the Dacca University Constituency.

(2) Subject to the provisions of this Order, a person shall be qualified to be included in the electoral roll for a University Constituency, if he has a place of residence in India and either—

(*a*) is a member of the Senate of the Calcutta, or, as the case may be, of the Court of the Dacca University; or

(*b*) has been for at least seven years a graduate of the University and was registered as such in the University Register throughout the two years immediately preceding the prescribed date:

Provided that for the purposes of the preparation of the original electoral rolls and of any revision thereof within three years from the commencement of Part III of the Act, the following qualification shall be substituted for qualification (*b*) mentioned in this sub-paragraph, that is to say—

(*b*) is a graduate of the University and was registered as such in the University register, in the case of the Calcutta University, on the thirtieth day of September last preceding the prescribed date, and, in the case of Dacca University, on the eighth day of July last preceding the prescribed date.

(3) A person shall not be qualified to be chosen to fill either of the said seats unless he is entitled to vote in the choice of a member to fill it.

General.

28. For the purposes of this Part of this Order, "a place of residence" means a place where a person ordinarily and actually resides during the greater part of the year.

M. P. A. Hankey.

THE SCHEDULES.

First Schedule.

Minor Amendments of the Fifth and Sixth Schedules to the Act

1. In paragraph twelve of the Fifth Schedule to the Act (which relates to the qualifications to be possessed by members of a Provincial Legislative Assembly) for the words "shall not be qualified to hold a seat" there shall be substituted the words "shall not be qualified to be chosen to fill a seat".

2. In paragraph six of Part I of the Sixth Schedule to the Act (which relates to the preparation of electoral rolls) the words "or vote at any election to fill a general seat therein" shall be repealed.

3. At the end of paragraph seven of Part I of the Sixth Schedule to the Act, there shall be added the following provision:—

"If a person votes in more than one constituency in contravention of this paragraph, his votes in each of the constituencies shall be void."

4. For the purposes of any provision of the Sixth Schedule to the Act which requires that in certain cases a person shall not be included in an electoral roll unless an application is made by or on behalf of that person for that purpose, an application made before the date of this Order with a view to facilitating the provisional preparation of electoral rolls may be treated as a sufficient application.

FOURTH SCHEDULE.

BENGAL CONSTITUENCIES.

I.—General Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.	Scheduled Castes seats.
	(i) Urban.		
Calcutta North ..	The Shampukur, Kumartuli, Belgachia, Satpukur and Cossipur wards of Calcutta.	1	—
Calcutta East ..	The Bartola, Sukea's Street, Beliaghatta, and Maniktala wards of Calcutta.	1	—
Calcutta West ..	The Jorabagan, Bara Bazar, Bow Bazar and Waterloo Street wards of Calcutta.	1	—
Calcutta Central ..	The Jorasanko, Collootola and Muchipara wards of Calcutta.	1	—
Calcutta South Central ..	The Paddapukur, Fenwick Bazar, Taltala, Kalinga, Park Street, Bamun Bustee, Tangra, Entally, Beniapukur and Ballygunj wards of Calcutta.	1	—
Calcutta South ..	The Bhowanipur, Kalighat, Alipore, Ekbalpur, Watganj and Hastings and Tollyganj wards of Calcutta.	1	—
Hooghly *cum* Howrah Municipal.	The municipalities of the Hooghly and Howrah districts.	1	—
Burdwan Division North Municipal.	The municipalities of the Burdwan, Birbhum, Bankura and Midnapore districts and the town of Kharagpur in the Midnapore district.	1	—
24-Parganas Municipal ..	The municipalities and cantonment of the 24-Parganas district.	1	—
Presidency Division Municipal.	The municipalities of the Nadia, Murshidabad, Jessore and Khulna districts.	1	—
North Bengal Municipal	The municipalities of the Mymensingh district and of the Rajshahi Division, excluding the municipalities and cantonments of the Sadar, Kurseong and Kalimpong sub-divisions of the Darjeeling district.	1	—
East Bengal Municipal ..	The municipalities of the Dacca, Faridpur, and Bakarganj districts and of the Chittagong Division.	1	—
	(ii) Rural.		
Burdwan Central ..	The Sadar sub-division of the Burdwan district excluding municipal areas.	2	1
Burdwan North-West ..	The Kalna, Katwa and Asansol sub-divisions of the Burdwan district excluding municipal areas.	2	1
Birbhum ..	The Birbhum district excluding municipal areas.	2	1
Bankura West ..	The Sadar sub-division of the Bankura district excluding municipal areas.	2	1
Bankura East ..	The Bishnupur sub-division of the Bankura district excluding municipal areas.	1	—

Name of Constituency.	Extent of Constituency.	No. of seats.	Scheduled Castes seats.
	(ii) Rural—contd.		
Midnapore Central ..	The Sadar sub-division of the Midnapore district excluding municipal areas and the town of Kharagpur.	2	1
Jhargram *cum* Ghatal ..	The Jhargram and Ghatal sub-divisions of the Midnapore district excluding municipal areas.	2	1
Midnapore East ..	The Tamluk sub-division of the Midnapore district excluding municipal areas.	1	—
Midnapore South-West	The Egra, Ramnagar, and Contai police-stations in the Contai sub-division of the Midnapore district.	1	—
Midnapore South-East ..	The Khojri, Patashpur and Bhagwanpur police-stations in the Contai sub-division of the Midnapore district.	1	—
Hooghly North-East ..	The Sadar sub-division and the Serampore, Uttarpara, Bhadreswar, Singur and Chanditala police-stations in the Serampore sub-division of the Hooghly district excluding municipal areas.	2	1
Hooghly South-West ..	The Arambagh sub-division and the Haripal, Tarkeswar and Jangipara police-stations in the Serampore sub-division of the Hooghly district excluding municipal areas.	1	—
Howrah ..	The Howrah district excluding municipal areas.	2	1
24-Parganas South-East	The Sadar and Basirhat sub-divisions of the 24-Parganas district excluding municipal areas.	2	1
24-Parganas North-West	The Barrackpore, Barasat and Diamond Harbour sub-divisions of the 24-Parganas district excluding municipal and cantonment areas.	2	1
Nadia ..	The Nadia district excluding municipal areas.	2	1
Murshidabad ..	The Murshidabad district excluding municipal areas.	2	1
Jessore ..	The Jessore district excluding municipal areas.	2	1
Khulna ..	The Khulna district excluding municipal areas.	3	2
Rajshahi ..	The Rajshahi district excluding municipal areas.	1	—
Malda ..	The Malda district excluding municipal areas.	2	1
Dinajpur ..	The Dinajpur district excluding municipal areas.	3	2
Jalpaiguri *cum* Siliguri ..	The Jalpaiguri district excluding municipal areas and the Siliguri sub-division of the Darjeeling district.	3	2
Rangpur ..	The Rangpur district excluding municipal areas.	3	2
Bogra *cum* Pabna ..	The Bogra and Pabna districts excluding municipal areas.	2	1
Dacca East ..	The Sadar and Narayanganj sub-divisions of the Dacca district excluding municipal areas.	2	1

Name of Constituency.	Extent of Constituency.	No. of seats.	Scheduled Castes seats.
	(ii) Rural—concld.		
Dacca West ..	The Manikganj and Munshiganj sub-divisions of the Dacca district.	1	—
Mymensingh West ..	The Tangail and Jamalpur sub-divisions and the Kotwali, Muktagacha, Phulbaria, Gaffargaon, Trisal and Bhaluka, police-stations of the Sadar sub-division of the Mymensingh district excluding municipal areas.	2	1
Mymensingh East ..	The Netrakona and Kishoreganj sub-divisions and the Haluaghat, Phulpur, Nandail and Iswarganj police-stations of the Sadar sub-division of the Mymensingh district excluding municipal areas.	2	1
Faridpur ..	The Faridpur district excluding municipal areas.	3	2
Bakarganj South-West ..	The Patuakhali and Pirojpur sub-divisions of the Bakarganj district excluding municipal areas.	2	1
Bakarganj North-East ..	The Sadar and Bhola sub-divisions of the Bakarganj district excluding municipal areas.	1	—
Tippera ..	The Tippera district excluding municipal areas.	2	1
Noakhali ..	The Noakhali district excluding municipal areas.	1	—
Chittagong ..	The Chittagong district excluding municipal areas.	1	—
Darjeeling ..	The Sadar, Kurseong and Kalimpong sub-divisions of the Darjeeling district.	1	—

II.—Muhammadan Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
	(i) Urban.	
Calcutta North ..	The Shampukur, Kumartuli, Bartola, Sukea's Street, Jorabagan, Jorasanko, Bara Bazar, Collootola, Muchipara, Bow Bazar, Paddapukur, Waterloo Street, Beliaghatta, Maniktala, Belgachia, Satpukur and Cossipur wards of Calcutta.	1
Calcutta South ..	The Fenwick Bazar, Taltala, Kalinga, Park Street, Bamun Bustee, Tangra, Entally, Beniapukur, Ballygung, Bhowanipur, Kalighat, Alipore, Ekbalpore, Watganj and Hastings, and Tollyganj wards of Calcutta.	1
Hooghly *cum* Howrah Municipal.	The municipalities of the Hooghly and Howrah districts.	1
Barrackpore Municipal ..	The municipalities and cantonment of the Barrackpore sub-division of the 24-Parganas district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(i) Urban—concld.	
24-Parganas Municipal ..	The municipalities of the Sadar, Barasat and Basirhat sub-divisions of the 24-Parganas district.	1
Dacca Municipal ..	The municipalities of the Dacca district ..	1
	(ii) Rural.	
Burdwan ..	The Burdwan district ..	1
Birbhum	The Birbhum district	1
Bankura ..	The Bankura district	1
Midnapore	The Midnapore district	1
Hooghly	The Hooghly district, excluding municipal areas.	1
Howrah	The Howrah district, excluding municipal areas.	1
24-Parganas South ..	The Diamond Harbour sub-division and the Bishnupur, Baruipur and Jaynagar police-stations of the Sadar sub-division of the 24-Parganas district, excluding municipal areas.	1
24-Parganas Central ..	The Tollyganj, Sonarpur, Behala, Metiabruz, Maheshtola, Canning, Budge-Budge and Bhangar police-stations of the Sadar sub-division, the Barrackpore sub-division and the Barasat, Amdanga and Rajarhat police-stations of the Barasat sub-division of the 24-Parganas district, excluding municipal and cantonment areas.	1
24-Parganas North-East	The Basirhat sub-division and the Deganga and Habra police-stations of the Barasat sub-division of the 24-Parganas district, excluding municipal areas.	1
Kushtia	The Kushtia sub-division of the Nadia district.	1
Meherpur	The Meherpur sub-division of the Nadia district.	1
Nadia East	The Chuadanga sub-division and the Ranaghat and Hanskhali police-stations of the Ranaghat sub-division of the Nadia district.	1
Nadia West ..	The Sadar sub-division and the Santipur, Chakdah and Haringhata police-stations of the Ranaghat sub-division of the Nadia district.	1
Berhampore ..	The Sadar sub-division of the Murshidabad district.	1
Murshidabad South-West	The Lalbagh and Kandi sub-divisions of the Murshidabad district.	1
Jangipur	The Jangipur sub-division of the Murshidabad district.	1
Jessore Sadar ..	The Sadar sub-division of the Jessore district.	1
Jessore East ..	The Magura and Narail sub-divisions of the Jessore district.	1
Bongaon	The Bongaon sub-division of the Jessore district.	1
Jhenidah	The Jhenidah sub-division of the Jessore district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(ii) Rural—contd.	
Khulna	The Sadar sub-division of the Khulna district.	1
Satkhira	The Satkhira sub-division of the Khulna district.	1
Bagerhat	The Bagerhat sub-division of the Khulna district.	1
Nator	The Nator sub-division of the Rajshahi district.	1
Rajshahi North ..	The Raninagar, Naogaon, Badalgachhi, Mahadebpur and Niamatpur police-stations of the Naogaon sub-division of the Rajshahi district.	1
Rajshahi South ..	The Tanor, Godagari, Boalia, Paba, Durgapur, Puthia and Charghat police-stations of the Sadar sub-division of the Rajshahi district.	1
Rajshahi Central ..	The Manda and Atrai police-stations of the Naogaon sub-division and the Bagmara and Mohanpur (Khurd) police-stations of the Sadar sub-division of the Rajshahi district.	1
Balurghat	The Balurghat sub-division of the Dinajpur district.	1
Thakurgaon ..	The Thakurgaon sub-division of the Dinajpur district.	1
Dinajpur Central East ..	The Chirirbandar, Parbatipur, Nawabganj and Ghoraghat police-stations of the Sadar sub-division of the Dinajpur district.	1
Dinajpur Central West ..	The Dinajpur, Biral, Kaliaganj, Kushmundi, Banshihari, Itahar, Raiganj and Hemtabad police-stations of the Sadar sub-division of the Dinajpur district.	1
Jalpaiguri *cum* Darjeeling	The Jalpaiguri and Darjeeling districts ..	1
Nilphamari ..	The Nilphamari sub-division of the Rangpur district.	1
Rangpur North ..	The Kotwali, Gangachara, Badarganj, Kaliganj and Hatibandha police-stations of the Sadar sub-division of the Rangpur district.	1
Rangpur South ..	The Kaunia, Pirgacha, Mitapokhur and Pirganj police-stations of the Sadar sub-division of the Rangpur district.	1
Kurigaon North ..	The Bhurangamari, Nageswari, Fulbari, Lalmonirhat and Kurigaon police-stations of the Kurigaon sub-division of the Rangpur district.	1
Kurigaon South ..	The Ulipur, Chilmari and Rahumari police-stations of the Kurigaon sub-division of the Rangpur district.	1
Gaibandha North ..	The Sundarganj, Sadullapur and Gaibandha police-stations of the Gaibandha sub-division of the Rangpur district.	1
Gaibandha South ..	The Palashbari, Gobindganj, Shaghata and Fulchuri police-stations of the Gaibandha sub-division of the Rangpur district.	1
Bogra East ..	The Shariakandi and Gabtali police-stations of the Bogra district.	1
Bogra South ..	The Bogra, Sherpur and Dhunot police-stations of the Bogra district.	1
Bogra North ..	The Sibganj, Khetlal and Panchbibi police-stations of the Bogra district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(*ii*) *Rural*—contd.	
Bogra West ..	The Kahalu, Dupchanchia, Joypurhat and Adamdighi police-stations of the Bogra district.	1
Pabna East ..	The Bera, Sujanagar, Santhia and Faridpur police-stations of the Sadar sub-division of the Pabna district.	1
Pabna West ..	The Chatmohar, Atgharia Pabna and Sara police-stations of the Sadar sub-division of the Pabna district.	1
Serajganj South ..	The Shahzadpur, Chauhali and Belkuchi police-stations of the Serajganj sub-division of the Pabna district.	1
Serajganj North ..	The Serajganj and Kazipur police-stations of the Serajganj sub-division of the Pabna district.	1
Serajganj Central ..	The Kamarkhanda, Ullapara, Raiganj and Taras police-stations of the Serajganj sub-division of the Pabna district.	1
Malda North ..	The Kharba, Harishchandrapur, Ratua, Manikchak, Gajole, Malda, Bamangola, Habibpur, English Bazar and Bholahat police-stations of the Malda district.	1
Malda South ..	The Kaliachak, Sibganj, Nawabganj, Nachole and Gomastapur police-stations of the Malda district.	1
Narayanganj South ..	The Fatulla, Narayanganj, Baidyabazar and Rupganj police-stations of the Narayanganj sub-division of the Dacca district excluding municipal areas.	1
Narayanganj East ..	The Araihazar, Narsingdi and Sibpur police-stations of the Narayanganj sub-division of the Dacca district.	1
Narayanganj North ..	The Monohardi and Raipura police-stations of the Narayanganj sub-division of the Dacca district.	1
Munshiganj	The Munshiganj, Tangibari and Lohajang police-stations of the Munshiganj sub-division of the Dacca district.	1
Dacca South Central ..	The Serajdikhan and Srinagar police-stations of the Munshiganj sub-division and the Nawabganj and Dohar police-stations of the Sadar sub-division of the Dacca district.	1
Manikganj East ..	The Manikganj, Ghior and Saturia police-stations of the Manikganj sub-division and the Dhamrai police-station of the Sadar sub-division of the Dacca district.	1
Manikganj West ..	The Singair, Daulatpur, Sibalaya and Harirampur police-stations of the Manikganj sub-division of the Dacca district.	1
Dacca North Central ..	The Kaliakoir, Sripur, Kaliganj and Kapasia police-stations of the Sadar sub-division of the Dacca district.	1
Dacca Central ..	The Sabhar, Tezgaon, Lalbagh, Keraniganj, and Joydebpur police-stations of the Sadar sub-division of the Dacca district excluding municipal areas.	1
Jamalpur East ..	The Nalitabari, Nokla and Sherpur police-stations of the Jamalpur sub-division of the Mymensingh district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(ii) Rural—contd.	
Jamalpur North ..	The Sribardi, Dewanganj and Islampur police-stations of the Jamalpur sub-division of the Mymensingh district.	1
Jamalpur West ..	The Melandaha, Madarganj, and Sarishabari police-stations of the Jamalpur sub-division of the Mymensingh district.	1
Jamalpur *cum* Muktagacha	The Jamalpur police-station of the Jamalpur sub-division and the Muktagacha police-station of the Sadar sub-division of the Mymensingh district.	1
Mymensingh North ..	The Haluaghat, Phulpur and Kotwali police-stations of the Sadar sub-division of the Mymensingh district.	1
Mymensingh East ..	The Iswarganj and Nandail police-stations of the Sadar sub-division of the Mymensingh district.	1
Mymensingh South ..	The Gaffargaon and Bhaluka police-stations of the Sadar sub-division of the Mymensingh district.	1
Mymensingh West ..	The Phulbaria and Trisal police-stations of the Sadar sub-division of the Mymensingh district.	1
Tangail South ..	The Nagarpur, Mirzapur and Basail police-stations of the Tangail sub-division of the Mymensingh district.	1
Tangail West ..	The Tangail and Kalihati police-stations of the Tangail sub-division of the Mymensingh district.	1
Tangail North ..	The Ghatail, Madhupur and Gopalpur police-stations of the Tangail sub-division of the Mymensingh district.	1
Netrakona South ..	The Kendua, Madan, Khaliajuri, Mohanganj, and Atpara police-stations of the Netrakona sub-division of the Mymensingh district.	1
Netrakona North ..	The Durgapur, Kalmakanda, Purbadhala, Barhatta and Netrakona police-stations of the Netrakona sub-division of the Mymensingh district.	1
Kishoreganj South ..	The Hossainpur, Pakundia, and Kathiadi police-stations of the Kishoreganj sub-division of the Mymensingh district.	1
Kishoreganj North ..	The Kishoreganj, Karimganj, Tarail and Itna police-stations of the Kishoreganj sub-division of the Mymensingh district.	1
Kishoreganj East ..	The Astagram, Nikli, Bajitpur, Bhairab-bazar, and Kuliarchar police-stations of the Kishoreganj sub-division of the Mymensingh district.	1
Gopalganj ..	The Gopalganj sub-division of the Faridpur district.	1
Goalundo	The Goalundo sub-division of the Faridpur district.	1
Faridpur West ..	The Faridpur, Charbhadrasan, Nagarkanda, and Bhusna police-stations of the Sadar sub-division of the Faridpur district.	1
Faridpur East ..	The Sadarpur and Bhanga police-stations of the Sadar sub-division and the Sibchar police-station of the Madaripur sub-division of the Faridpur district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(ii) Rural—contd.	
Madaripur West ..	The Rajair, Madaripur, Kalkini and Palong police-stations of the Madaripur sub-division of the Faridpur district.	1
Madaripur East ..	The Gosairhat, Bhedarganj, Naria and Janjira police-stations of the Madaripur sub-division of the Faridpur district.	1
Patuakhali North ..	The Bauphal, Patuakhali, Mirzaganj and Betagi police-stations of the Patuakhali sub-division of the Bakarganj district.	1
Patuakhali South ..	The Barguna, Amtoli, and Galachipa police-stations of the Patuakhali sub-division of the Bakarganj district.	1
Pirojpur South ..	The Patharghata, Mathbaria, Bamna, Bhandaria and Kathalia police-stations of the Pirojpur sub-division of the Bakarganj district.	1
Pirojpur North ..	The Pirojpur, Nazirpur, Swarupkati, Banaripara and Kowkhali police-stations of the Pirojpur sub-division of the Bakarganj district.	1
Bakarganj North ..	The Mehendiganj, Muladi and Hizla police-stations of the Sadar sub-division of the Bakarganj district.	1
Bakarganj South ..	The Bakarganj, Rajapur, Nalchiti and Jhalakati police-stations of the Sadar sub-division of the Bakarganj district.	1
Bakarganj West ..	The Barisal, Babuganj, Uzirpur and Gaurnadi police-stations of the Sadar sub-division of the Bakarganj district.	1
Bhola North ..	The Bhola and Daulatkhan police-stations of the Dakshin Shabazpur sub-division of the Bakarganj district.	1
Bhola South ..	The Baranadi, Tazumaddin and Lalmohan police-stations of the Dakshin Shabazpur sub-division of the Bakarganj district.	1
Brahmanbaria North ..	The Nasirnagar, Sarail and Brahmanbaria police-stations of the Brahmanbaria sub-division of the Tippera district.	1
Brahmanbaria South ..	The Bancharampur and Nabinagar police-stations of the Brahmanbaria sub-division of the Tippera district.	1
Tippera North-East ..	The Kasba police-station of the Brahmanbaria sub-division and the Burichang police-station of the Sadar sub-division of the Tippera district.	1
Tippera North ..	The Debiduar and Muradnagar police-stations of the Sadar sub-division of the Tippera district.	1
Tippera West ..	The Homna and Daudkandi police-stations of the Sadar sub-division of the Tippera district.	1
Tippera Central ..	The Chandina and Comilla police-stations of the Sadar sub-division of the Tippera district.	1
Tippera South ..	The Laksham and Chaudagram police-stations of the Sadar sub-division of the Tippera district.	1
Chandpur East ..	The Hajiganj and Kachua police-stations of the Chandpur sub-division of the Tippera district.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(ii) Rural—concld.	
Chandpur West ..	The Chandpur and Faridganj police-stations of the Chandpur sub-division of the Tippera district.	1
Matlabbazar ..	The Matlabbazar police-station of the Chandpur sub-division of the Tippera district.	1
Noakhali North ..	The Begamganj and Senbagh police-stations of the Sadar sub-division of the Noakhali district.	1
Noakhali Central ..	The Sudharam and Companyganj police-stations of the Sadar sub-division and the Sonagazi police-station of the Feni sub-division of the Noakhali district.	1
Ramganj *cum* Raipur ..	The Ramganj and Raipur police-stations of the Sadar sub-division of the Noakhali district.	1
Noakhali West ..	The Lakshmipur and Ramgati police-stations of the Sadar sub-division of the Noakhali district.	1
Noakhali South ..	The Hatiya and Sandwip police-stations of the Sadar sub-division of the Noakhali district.	1
Feni	The Feni, Pashuram and Chhagalnaya police-stations of the Feni sub-division of the Noakhali district.	1
Cox's Bazar ..	The Cox's Bazar sub-division of the Chittagong district.	1
Chittagong South ..	The Satkania, Banskhali and Anwara police-stations of the Sadar sub-division of the Chittagong district.	1
Chittagong South Central	The Patiya, Boalkhali and Rangania police-stations of the Sadar sub-division of the Chittagong district.	1
Chittagong North-East	The Raojan, Hathazari and Fatikchari police-stations of the Sadar sub-division of the Chittagong district.	1
Chittagong North-West	The Sitakund, Mirsarai, Chittagong, Double Moorings and Pachalais police-stations of the Sadar sub-division of the Chittagong district.	1

III.—Women's Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
	(i) General Urban.	
Calcutta (General) ..	Part I.—The area bounded on the North by Grey Street, on the South by Bow Bazar Street, on the East by Upper Circular Road and on the West by Chittaranjan Avenue with extension up to Grey Street. Part II.—The area bounded on the North by Park Street, on the South and East by Lower Circular Road and on the West by Chowringhee Road. Part III.—The Ballygunj, Bhowanipore, Alipore and Tollyganj wards of Calcutta.	1
Dacca (General) ..	The municipalities in the Dacca district ..	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(*ii*) *Muhammadan Urban.*	
Calcutta (Muhammadan)	Calcutta as defined in section 3 (11) of the Calcutta Municipal Act, 1923.	1
Dacca (Muhammadan) ..	The municipalities in the Dacca district ..	1

IV.—Anglo-Indian Constituency.

Name of Constituency.	Extent of Constituency.	No. of seats.
Anglo-Indian ..	The Presidency of Bengal excluding the Chittagong Hill Tracts.	4 (including one woman's seat).

V.—European Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
Burdwan Division ..	The Burdwan Division, excluding the Hooghly and Howrah districts.	1
Hooghly *cum* Howrah	The Hooghly and Howrah districts ..	1
Calcutta and Suburbs ..	Calcutta as defined in section 3 (11) of the Calcutta Municipal Act, 1923, and the Tollyganj, South Suburban and Garden Reach municipalities of the 24-Parganas district.	4
Presidency Division ..	The Presidency Division, excluding Calcutta and the Tollyganj, South Suburban and Garden Reach municipalities of the 24-Parganas district.	1
Rajshahi Division ..	The Rajshahi Division excluding the Darjeeling district	1
Darjeeling ..	The Darjeeling district ..	1
Dacca Division ..	The Dacca Division	1
Chittagong Division ..	The Chittagong Division, excluding the Chittagong Hill Tracts.	1

VI.—Indian Christian Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
Calcutta *cum* Presidency Division.	The Presidency Division including Calcutta ..	1
Dacca Division ..	The Dacca Division	1

II.—Commerce and Industry Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
Bengal Chamber of Commerce.	Non-territorial	7
Calcutta Trades Association.	Do.	2
Indian Jute Mills Association.	Do.	2
Indian Tea Association ..	Do.	2
Indian Mining Association	Do.	1
Bengal National Chamber of Commerce.	Do.	2
Indian Chamber of Commerce.	Do.	1
Marwari Association ..	Do.	1
Muslim Chamber of Commerce.	Do.	1

VIII.—Landholders' Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
Burdwan Landholders ..	The Burdwan Division	1
Presidency Landholders	The Presidency Division	1
Rajshahi Landholders ..	The Rajshahi Division	1
Dacca Landholders ..	The Dacca Division	1
Chittagong Landholders	The Chittagong Division, excluding the Chittagong Hill Tracts.	1

IX.—Labour Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
	(i) Trade Union Labour.	
Railway Trade Union ..	Registered trade unions of railway workers operating in the Province.	1
Water Transport Trade Union.	Registered trade unions of water transport workers operating in the Province.	1

Name of Constituency.	Extent of Constituency.	No. of seats.
	(ii) Factory and Colliery Labour.	
Calcutta and Suburbs (Registered factories).	Calcutta and the Sadar sub-division of the 24-Parganas district.	1
Barrackpore (Registered factories).	The Barrackpore sub-division of the 24-Parganas district.	1
Howrah (Registered factories).	The Howrah district	1
Hooghly *cum* Serampore (Registered factories).	The Sadar and Serampore sub-divisions of the Hooghly district.	1
Colliery (Coal Mines) ..	The Asansol sub-division of the Burdwan district.	1
	(iii) Tea Garden Labour.	
	First election.	
Bengal Dooars (Western)	The following tea gardens :— Good Hope *alias* Sisubari. Dam Dim. Ranicherra. Kumlai. Rangamati. Gurjangjhora. Hahaipotha. New Glencoe. Sylee. Nodam.	
	Second election.	
Darjeeling Sadar ..	The following tea gardens :— Arya. Steinthal. Happy Valley. Windsor. Phoobsering. Singtom. Soom. Patabong. Rungneet. Pandam. Bannockburn. Bloomfield.	1
	Third election.	
Bengal Dooars (Eastern)	The following tea gardens :— Atiabari. Bhatkawa. Rajabhat. Dima. Kalchini. Chuapara. Mechpara. Bhatpara. Radharani. Madhu. Satali.	

Name of Constituency.	Extent of Constituency.	No. of seats.
	(iii) Tea Garden Labour—concld.	
	Fourth election.	
Kurseong	The following tea gardens :— Maharani. Edenvale. Singell. Monteviot. Makaibari. Ambootia. Springside. Castleton. Giddapahar. Murbong. Sepoydhura.	1

X.—University Constituencies.

Name of Constituency.	Extent of Constituency.	No. of seats.
Calcutta University ..	Non-territorial	1
Dacca University ..	Do.	1

* * * * * *

The Government of India (Provincial Legislative Councils) Order, 1936.

The Government of India (Provincial Legislative Councils) Order, 1936.

At the Court at Buckingham Palace, the 30th day of April 1936.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section two hundred and ninety-one of, and the Fifth Schedule to, the Government of India Act, 1935 (hereafter in this Order referred to as "the Act") His Majesty in Council is empowered to make provision with respect to certain matters connected with Provincial Legislative Councils:

AND WHEREAS a draft of this Order has been laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the Act and an address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, is pleased by and with the advice of his Privy Council to order, and it is hereby ordered as follows:—

Part I.—Introductory and General.

Introductory.

1. This Order may be cited as "The Government of India (Provincial Legislative Councils) Order, 1936."

2.—(1) In this Order, except where the context otherwise requires—

"Executive Council" means the Executive Council of the Governor-General or a Governor;

"Legislature" includes any Legislature or Legislative Council under the Government of India Act, or any Act repealed by that Act;

"Minister" means a Minister under the Act or the Government of India Act;

"prescribed," except in the phrase "the prescribed date," means prescribed by an Act of the Provincial Legislature or by rules;

"rules" means rules made by the Governor under paragraph twenty of the Fifth Schedule to the Act;

"total income" means total income as computed for the purposes of the Indian Income Tax Act, 1922;

and, subject as aforesaid and to any other provisions of this Order, expressions to which a meaning is assigned by the Sixth Schedule to the Act, either generally or in relation to any particular Province, have except where the context otherwise requires, the same meanings for the purposes of this Order, either generally or in relation to that Province, as the case may be.

(2) The fact that one of two constituencies is an urban and the other a rural constituency shall not prevent them being deemed to be constituencies of same communal description, if they are both general constituencies or constituencies assigned to a specified community and the expression "seat of the same communal description" shall be construed accordingly.

(3) For the purposes of any reference in this Order to persons assessed to income tax in any financial year and having in the year in respect of which the assessment was made a total income of not less than a specified amount, a person who is a partner in a firm which is assessed to income tax shall be deemed to be himself assessed in respect of his share of the firm's income on which income tax is so assessed, and the amount to be included in his total income in respect of that share shall be such sum as may be certified in the prescribed manner.

(4) Any reference in this Order to all or any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act, or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(5) If the boundaries of any district or other administrative area mentioned in this Order are altered, any reference in this Order to that district or area shall, as from such date or dates as may be fixed by the Governor, exercising his individual judgment, either for all purposes, or for particular purposes, of this Order, be taken as a reference to the district or area as altered.

(6) If any question arises with respect to any qualification dependent on the holding of a title, order or decoration, the question shall be referred to the Governor-General in his discretion and his decision shall be final.

(7) The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Delimitation of Territorial Constituencies.

3.—(1) The territorial constituencies for the election of persons to fill seats in the Provincial Legislative Councils shall be as specified in the tables in the Schedule to this Order.

(2) Any reference in this Part of this Order to a territorial constituency shall be construed as a reference to one of the territorial constituencies aforesaid, and any reference in any of the subsequent Parts of this Order to a territorial constituency shall be construed as a reference to one of the said constituencies for the Province to which the Part in question relates.

(3) In the case of Madras and Bombay the number of seats to be filled by elections in the various territorial constituencies shall be as specified in the third column of Parts I and II of the Schedule to this Order.

In the case of Bengal, the United Provinces, Bihar and Assam one seat shall be filled by an election in each constituency, except that in Bengal three seats shall be so filled in the European constituency.

4. There shall be an electoral roll for every territorial constituency, and no person who is not, and except as expressly provided by the Fifth Schedule to the Act and this Order, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

5. The electoral rolls for the territorial constituencies shall be made up and from time to time in whole or in part revised by reference to such date, in this Order referred to as "the prescribed date," as may be directed in each case by the Governor, exercising his individual judgment.

6. No person shall be included in the electoral roll for any territorial constituency unless he has attained the age of twenty-one years and is either—

(*a*) a British subject; or

(*b*) the Ruler or a subject of a Federated State; or

(*c*) if and so far as it is so prescribed with respect to any Province, and subject to any prescribed conditions, the Ruler or a subject of any other Indian State.

7. No person shall be included in the electoral roll for, or vote at any election in, any territorial constituency if he is of unsound mind and stands so declared by a competent Court.

8. No person shall be included in the electoral roll for a Muhammadan constituency, a European constituency or an Indian Christian constituency unless he is a Muhammadan, a European or an Indian Christian, as the case may be.

9. No person who is or is entitled to be included in the electoral roll for any Muhammadan constituency, European constituency or Indian Christian constituency in any Province shall be included in the electoral roll for a general constituency in that Province.

10. Notwithstanding anything in the Indian Income-tax Act, 1922, it shall be the duty of the appropriate income tax officers to give to any person charged by law with the duty of enquiring into the qualifications of electors, such information as is necessary for the purpose of enabling him to discharge that duty.

11.—(1) No person shall in any Province—

(*a*) at the first elections held for the purpose of constituting the Legislative Council of that Province; or

(*b*) at the elections held in every third year thereafter to fill the seats of members retiring on the expiration of their respective terms of office,

vote in more than one territorial constituency, and if any person votes in more than one territorial constituency in contravention of the provisions of this paragraph, his votes in all those constituencies shall be void.

(2) In each Province such provisions, if any, as may be prescribed shall have effect for the purpose of preventing persons being included in the electoral roll for more than one territorial constituency.

(3) No person shall at any election vote more than once in the same territorial constituency and, if he does so, all his votes in that constituency shall be void.

12. No person shall be included in the electoral roll for, or vote at any election in, a territorial constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Provincial Legislature or rules made by the Governor as may be made or passed under the Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for territorial constituencies in which it may be included.

13. No person shall vote at an election in a territorial constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

14. The following provisions shall have effect with respect to the enfranchisement of women in respect of the qualifications of their husbands:—

(*a*) a woman who, at the date of the death of her husband, is included in an electoral roll for a territorial constituency by virtue of his qualifications shall, notwithstanding anything in the subsequent provisions of this Order, continue to be on the roll for that constituency unless she remarries or becomes disqualified under the foregoing provisions of this Order for inclusion in that roll:

(*b*) not more than one woman shall, at any one time, appear on the electoral rolls for the territorial constituencies

of a Province in respect of the qualifications of any particular man, and any question which of several women is to be selected for inclusion shall be determined in the prescribed manner:

Provided that, if a woman, who is entitled by virtue of sub-paragraph (*a*) of this paragraph to remain on the roll of a territorial constituency, changes her place of residence, then, if she so desires, she may, on any subsequent revision of the roll, be transferred to the roll of such other territorial constituency as may be appropriate.

15. For the purposes of this Order any property owned, held or occupied or payment made by, or assessment made on, a person as a trustee, guardian, administrator or receiver, or in any other fiduciary capacity, shall, except as otherwise expressly provided in this Order, be left out of account.

Qualifications of Candidates.

16.—(1) The provisions of this paragraph shall have effect with respect to the qualifications to be possessed by members of the Legislative Council of a Province.

(2) A person shall not be qualified to be chosen to fill a seat which is filled by an election in a territorial constituency unless he is entitled to vote in the choice of a member to fill that seat or any other seat of the same communal description in the same Council.

(3) A person shall not be qualified to be chosen to fill a seat to be filled by a person elected by the members of the Legislative Assembly of a Province unless he is entitled to vote in the choice of a member to fill some seat in the Legislative Council of that Province.

(4) A person shall be qualified to be chosen to fill a seat which is to be filled by a person chosen by the Governor in his discretion if he is resident in the Province and is not disqualified to hold a seat by any of the provisions of the Act.

General.

17.—(1) The dates on which nominations are to be made and scrutinised, polls held and other acts done in connection with elections to a Provincial Legislative Council shall be fixed by the Governor in his discretion.

(2) Nothing in this paragraph shall be construed as preventing Acts of the Provincial Legislature or rules from making general provision with respect to the intervals which are to elapse between the successive stages of an election.

18. At an election in a territorial constituency where more than one seat is to be filled on a poll a voter shall have as many

votes as there are seats to be filled and may give all those votes to any one candidate, or may distribute them between such candidates in such manner as he thinks fit:

Provided that in the **European constituency in Bengal a voter** shall not give more than one vote to any one candidate.

19. If, when a poll has been taken at an election, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be given by the Returning Officer to the candidate, or, as the case may be, the candidates, selected by lot drawn in the presence of the Returning Officer in such manner as he may determine.

20. At any election by the members of a Provincial Legislative Assembly to fill seats in the Provincial Legislative Council, the returning officer shall be nominated by the Governor in his discretion, and nominations shall be made and scrutinised, polls held, and other acts done in connection with the election to, by, or before the returning officer, or persons who are under his control or have been placed thereunder for the purposes of the election.

21. If a person is elected to more than one seat in a Provincial Legislative Council, then, unless within the prescribed time he resigns all but one of the seats, all the seats shall become vacant.

22. The Governor of a Province may at any time vary the name assigned to a territorial constituency if for any reason he deems it expedient so to do.

23. Anything which under the provisions of the Act, or of this Order, is required or authorised to be done by, to or before the Governor of a Province in connection with the preparation of the electoral rolls or the holding of elections, or otherwise for the purpose of constituting the Legislative Council of the province in due time (whether or not the Governor is to act in his discretion or to exercise his individual judgment) shall, before the commencement of Part III of the Act, be done by, to or before the Governor in Council.

* * * * *

Part IV.—Bengal.

Requirement as to Residence.

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he has a place of residence in that constituency :

Provided that in the case of a European constituency, the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Bengal but is absent from Bengal on leave from his employment.

(2) In this paragraph "a place of residence" means a place where a person ordinarily and actually resides during the greater part of the year.

Ordinary Qualifications.

2. Subject to the provisions of Part I of this Order and to any overriding provisions of this Part of this Order, a person shall be qualified to be included in the electoral roll for any territorial constituency if he either—

(*a*) was in the previous financial year assessed to income-tax and had in the year in respect of which the assessment was made a total income of not less than five thousand rupees; or

(*b*) holds any title, order or decoration conferred by or on behalf of His Majesty, not being lower than Diwan Bahadur, Sardar Bahadur, Khan Bahadur, Rai Bahadur, or Rao Bahadur; or

(*c*) has been awarded by any Government in British India a civil, military or political pension of not less than two hundred and fifty rupees per month; or

(*d*) is or has been either—

(i) a non-official member of any Legislature in British India; or

(ii) a member of an Executive Council or a Minister in British India; or

(iii) a Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Fellow or Honorary Fellow of, or a member of the Senate or Court of, any University constituted by law in British India; or

(iv) a judge of the Federal Court or any High Court, Chief Court or Judicial Commissioner's Court in British India; or

(v) the mayor or sheriff of Madras, Calcutta or Bombay; or

(vi) the non-official chairman or vice-chairman of a municipality in the Province constituted under the Bengal Municipal Act, 1884, or the Bengal Municipal Act, 1932, or of a district board in the Province established under the Bengal Local Self-Government Act of 1885; or

(vii) the non-official chairman, deputy chairman or vice-chairman of any co-operative central bank or union, or Provincial co-operative federation, which is a registered society within the meaning of section two of the Co-operative Societies Act, 1912, and does not operate solely outside the Province.

Additional Qualifications for non-Muhammadan Constituencies.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency which is not a Muhammadan constituency if he either—

(*a*) within the Burdwan and Presidency Divisions held during the previous year in his own right as a proprietor or permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from a proprietor, and paid in respect thereof land revenue or rent or both amounting to not less than two thousand rupees, or road and public works cesses amounting to not less than five hundred rupees; or

(*b*) within the Dacca, Rajshahi and Chittagong Divisions, held during the previous year in his own right as a proprietor or permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from a proprietor, and paid in respect thereof land revenue or rent or both amounting to not less than fifteen hundred rupees, or road and public works cesses amounting to not less than three hundred and fifty rupees.

Additional Qualifications for Muhammadan Constituencies.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any Muhammadan territorial constituency, if within the Province he held during the previous year in his own right as a proprietor or as a permanent tenure holder one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from a proprietor, and paid in respect thereof land revenue or rent or both amounting to not less than two hundred and fifty rupees, or road and public works cesses amounting to not less than fifty rupees.

Additional Qualifications for Women.

5. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if her husband possesses the qualifications requisite for the purposes of this paragraph.

6. A husband shall be deemed to possess the qualifications requisite for the purposes of the last foregoing paragraph if he holds any such title, order or decoration, or has been awarded any such pension, as is mentioned in sub-paragraphs (*b*) and (*c*) of paragraph two of this Part of this Order.

7. A husband who is not a Muhammadan shall be deemed also to possess the qualifications requisite for the said purposes if he either—

(*a*) was during the previous financial year assessed to income-tax and had in the year in respect of which the assessment was made a total income of not less than twelve thousand rupees; or

(*b*) within the Burdwan and Presidency Divisions held during previous year in his own right as a proprietor one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than seven thousand five hundred rupees or road and public works cesses amounting to not less than one thousand eight hundred and seventy-five rupees; or

(*c*) within the Dacca, Rajshahi and Chittagong Divisions held during the previous year in his own right as a proprietor one or more estates or shares of estates or one or more permanent tenures or shares of such tenures held direct from the proprietor, and paid in respect thereof land revenue amounting to not less than five thousand rupees or road and public works cesses amounting to not less than one thousand two hundred and fifty rupees.

8. A husband who is a Muhammadan shall be deemed also to possess the qualifications requisite for the said purposes if he either—

(*a*) was during the previous year assessed to income-tax and had in the year in respect of which the assessment was made a total income of not less than six thousand rupees; or

(*b*) held within the Province during the previous year in his own right as a proprietor or a permanent tenure holder one or more estates or shares of estates or one or more permanent tenures or shares of such tenures held direct from the proprietor, and paid in respect thereof land revenue amounting to not less than six hundred rupees or road and public works cesses amounting to not less than one hundred and twenty-five rupees.

Interpretation, &c.

9.—(1) In this Order, in relation to Bengal—

"estate" means land included under one entry in any of the general registers of revenue-paying lands or revenue-free lands prepared and maintained under the law for the time being in force by the collector of a district, and includes government khas mahals and revenue-free lands not entered in any register;

"permanent tenure" means a tenure which is heritable and which is not held for a limited time;

"proprietor" means a person owning an estate or share of an estate.

(2) In determining any question whether a person possesses any qualification by virtue of the payment of land revenue or rent, road and public works cesses—

(*a*) estates, permanent tenures and shares of such estates and tenures within the district of the Chittagong Hill Tracts shall be left out of account;

(*b*) an estate or share of an estate shall not be taken into account if it is registered in the name of some other person in the registers maintained under the Land Registration Act, 1876;

(*c*) if the amount of land revenue or rent or road and public works cesses paid in respect of any share of an estate or permanent tenure is not definitely known, the district officer of the district in which the estate or tenure is situated shall estimate the amount paid in respect of the share and his decision shall be final.

(3) For the purposes of this Part of this Order a mutwali or manager of a wakf estate, or a shebait of a debattar estate, shall be deemed to hold that estate and make payments in respect thereof in his own right and not in a fiduciary capacity.

(4) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves:

Provided that this sub-paragraph shall not apply where members of a joint family have separate accommodation and separate messing and in any such case any reference in this Part of this Order to any property, payment or assessment shall be construed as a reference to each member's share of that property, payment or assessment.

* * * * * *

M. P. A. Hankey.

THE SCHEDULE.

*   *   *   *   *

PART III.

Bengal Constituencies.

Name of Constituency.	Extent of Constituency.
IA.—General Constituencies (Urban).	
Calcutta	Calcutta as defined in section 3(11) of the Calcutta Municipal Act, 1923.
Calcutta Suburbs ..	The municipalities and cantonment of the 24-Parganas district and the municipalities of the Hooghly and Howrah districts.
IB.—General Constituencies (Rural).	
Burdwan Division South-West	The Bankura and Midnapore districts.
Burdwan Division North-East	The Burdwan, Birbhum, Hooghly and Howrah districts, excluding the municipalities of the Hooghly and Howrah districts.
Presidency Division ..	The Presidency Division excluding Calcutta and the municipalities and cantonment of the 24-Parganas district.
Rajshahi Division North-West	The Dinajpur, Jalpaiguri and Darjeeling districts.
Rajshahi Division South-East	The Rajshahi, Rangpur, Bogra, Pabna and Malda districts.
Dacca Division North ..	The Dacca and Mymensingh districts.
Dacca Division South ..	The Faridpur and Bakarganj districts.
Chittagong Division ..	The Chittagong Division, excluding the Chittagong Hill Tracts.
IIA.—Muhammadan Constituencies (Urban).	
Calcutta and Suburbs ..	Calcutta as defined in section 3(11) of the Calcutta Municipal Act, 1923, and the municipalities and cantonment of the 24-Parganas district, and the municipalities of the Hooghly and Howrah districts.

Name of Constituency.	Extent of Constituency.
IIB.—Muhammadan Constituencies (Rural).	
Burdwan Division ..	The Burdwan Division excluding the municipalities of the Hooghly and Howrah districts.
Presidency Division South ..	The 24-Parganas district (excluding municipal and cantonment areas), and the Jessore and Khulna districts.
Presidency Division North ..	The Nadia and Murshidabad districts.
Rajshahi *cum* Malda ..	The Rajshahi and Malda districts.
Rajshahi Division North ..	The Dinajpur, Jalpaiguri and Darjeeling districts.
Rangpur	The Rangpur district.
Bogra *cum* Pabna ..	The Bogra and Pabna districts.
Dacca North-West ..	The Sadar and Manikganj subdivisions of the Dacca district.
Dacca South-East ..	The Narayanganj and Munshiganj subdivisions of the Dacca district.
Mymensingh West ..	The Jamalpur and Tangail subdivisions of the Mymensingh district.
Mymensingh East ..	The Sadar, Netrakona and Kishoreganj subdivisions of the Mymensingh district.
Faridpur	The Faridpur district.
Bakarganj	The Bakarganj district.
Tippera	The Tippera district.
Noakhali	The Noakhali district.
Chittagong	The Chittagong district.
III.—European Constituency.	
European	The whole Province, excluding the Chittagong Hill Tracts.

* * * * *

The Government of India (Commencement and Transitory Provisions) Order, 1936.

The Government of India (Commencement and Transitory Provisions) Order, 1936.

At the Court at Buckingham Palace, the 3rd day of July, 1936.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section three hundred and twenty of the Government of India Act, 1935 (hereafter in this Order referred to as "the new Act") it is provided that the provisions of that Act other than those of Part II thereof shall, subject to any express provision to the contrary, come into force on a date to be appointed by His Majesty in Council for the commencement of Part III thereof, but His Majesty in Council is empowered to fix an earlier or later date for the coming into operation, either generally or for particular purposes, of any particular provisions of the Act:

AND WHEREAS by section three hundred and ten of the new Act His Majesty in Council is empowered, for the purpose of facilitating the transition to the provisions of the new Act from the provisions of the Government of India Act (hereafter in this Order referred to as "the old Act"), to direct that the new Act and any provisions of the old Act still in force shall, during a limited period, have effect subject to adaptations and modifications, to make with respect to a limited period temporary provision for ensuring that during and after the transition there are available to all Governments in India sufficient revenues to enable the business of those Governments to be carried on, and to make other temporary provisions for the purposes of removing any difficulties arising in relation to the transition:

AND WHEREAS a draft of this Order was laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the new Act and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the said powers and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Government of India (Commencement and Transitory Provisions) Order, 1936."

2. The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. (1) The provisions of the new Act, other than those of Part II thereof and other than those referred to in the next succeeding sub-paragraph, shall, subject to the provisions of that Act and of this and any other Order in Council made thereunder, come into force on the first day of April, nineteen hundred and thirty-seven, and accordingly that date is the date referred to in that Act as the date of the commencement of Part III thereof.

(2) The provisions of Part VIII of the new Act, of Chapter I of Part IX of that Act, and of the Eighth Schedule to that Act, shall come into force on such dates as His Majesty in Council may hereafter appoint, and section two hundred and thirty-two of that Act shall not come into force until the establishment of the Federation.

(3) In this paragraph the reference to Part II of the new Act shall be deemed to include a reference to the First and Second Schedules thereto and to so much of the Third Schedule thereto as relates to the Governor-General.

4. (1) So far as may be necessary for the purpose of enabling the members of all the Provincial Legislatures to be duly chosen in time for those Legislatures to be ready to meet by the commencement of Part III of the new Act—

(*a*) the provisions of Parts III and XII of, and of the Fifth and Sixth Schedules to, the new Act shall (so far as those provisions are not already in force) come into force on the date of the making of this Order; and

(*b*) any Orders in Council or rules made under the new Act with respect to those Legislatures, whether before or after the making of this Order, shall come, or, as the case may be, be deemed to have come, into operation at the date of the making of the Orders or rules in question, and shall authorise or, as the case may be, be deemed to have authorised the giving of any notice or direction, and the taking of any other step given or taken in anticipation of the making or coming into force of the Orders or Rules in question.

(2) References in sub-section (2) of section sixty-eight of the new Act to the Federal Legislature shall during the period before the commencement of Part III of that Act (as well as during the period in which Part XIII of that Act is in force) be construed as references to the Indian Legislature.

(3) For the avoidance of doubt it is hereby declared that a person who has been chosen to be a member of the Legislative Assembly of Bengal or of the Legislative Assembly of Bihar may, before the commencement of Part III of the new Act, take part in an election to choose members of the Legislative Council of the Province notwithstanding that he has not taken his seat or taken the oath prescribed by section sixty-seven of the new Act.

5. (1) The Governor of each Province may in his discretion from time to time authorise such expenditure from the revenues of the Province as he deems necessary to enable the business of the Provincial Government to be carried on between the commencement of Part III of the new Act and the date on which a schedule of authorised expenditure is authenticated in accordance with the provisions of section eighty of the new Act, or until the expiration of six months from the commencement of Part III of the new Act, whichever first occurs:

Provided that, except with the consent of the Governor-General in his discretion, the expenditure so authorised shall not exceed one-half of the total expenditure from the revenues of the Province in the previous financial year as shown in the revised estimates for that year.

(2) The expenditure authorised under the preceding sub-paragraph shall be included under the appropriate heads in the first estimates of expenditure laid before the Provincial Legislature under section seventy-eight of the new Act, and the provisions of that section and of sections seventy-nine and eighty of that Act shall apply in relation thereto:

Provided that any expenditure so authorised shall, so far as regards moneys paid and liabilities incurred before the date on which a schedule of authorised expenditure is authenticated in accordance with the provisions of the said section eighty, be deemed for all purposes of the new Act to have been duly authorised notwithstanding that it may not be included in the Schedule so authenticated.

(3) The following provisions of this sub-paragraph shall apply in relation to any expenditure incurred from the revenues of a Province in respect of a period before the commencement of Part III of the new Act in excess of the expenditure authorised in respect of that period under the relevant provisions of the old Act—

(*a*) the Governor of the Province may, in his discretion, at any time before the expiration of six months from the commencement of Part III of the new Act declare any such expenditure to have been duly authorised; and

(*b*) in so far as no such declaration has been made, the provisions of section eighty-one of the new Act (which relates to supplementary statements of expenditure) shall apply in relation to any such expenditure as they apply in relation to expenditure in respect of financial years after the commencement of the said Part III.

6. The Governor of each Province in his discretion may by public notification continue for a period not exceeding twelve months from the commencement of Part III of the new Act any taxation which was being levied for the purposes of the Province and would otherwise expire, without prejudice, however, to the powers of the Provincial Legislature as to the imposition and remission of taxation.

7. Before the first general elections are held to choose the members of the Legislative Assembly of any Province, the Governor shall prorogue the existing Legislative Council, if any, of that Province until the first day of April, nineteen hundred and thirty-seven, and on the

commencement of Part III of the new Act the Council shall automatically be dissolved.

The reference in this paragraph to elections held to choose members of a Legislative Assembly does not include a reference to primary elections held to choose candidates for seats in that Assembly.

8. On the commencement of Part III of the new Act, the members of the Council of State and the Legislative Assembly of the Indian Legislature who have been elected or nominated to represent Burma or Burma constituencies shall vacate their seats.

9. (1) Acts of the Indian Legislature made before the commencement of Part III of the new Act (including Acts made under section sixty-seven B of the old Act) may, notwithstanding the repeal of the old Act and notwithstanding anything in section two hundred and ninety-two of the new Act, be validly made so as first to come into force at, or at any time after, the commencement of Part III of the new Act, but any Act which is valid only by virtue of this paragraph shall, except as respects things done or omitted to be done before its expiration cease to have effect on the expiration of twelve months from the commencement of Part III of the new Act:

Provided that—

(*a*) any such Act may be continued, repealed or amended by any Legislature or authority having for the time being power to legislate in relation to the subject-matter of the Act;

(*b*) any such Act shall have effect as part of the law of British India, but not as part of the law of Burma;

(*c*) if and in so far as any such Act is inconsistent with the new Act, or any Order in Council made thereunder (whether made before or after the Act of the Indian Legislature) the new Act, or the Order in Council, as the case may be, shall prevail.

(2) This paragraph shall apply in relation to regulations and ordinances made under sections seventy-one and seventy-two of the old Act as it applies in relation to Acts of the Indian Legislature.

10. Where any functions of a Local Government under any existing Indian law are transferred by or under the new Act to the Federal Government, the Provincial Government shall, nevertheless, continue to perform those functions for such period, if any, not exceeding one year from the commencement of Part III of the new Act, as the Governor-General may fix, and shall, in the exercise thereof, be subject to the like control by the Governor-General in Council as immediately before the commencement of the said Part III.

11. Section sixteen of the new Act (which authorises the appointment of an Advocate-General for the Federation) and so much of subsection (3) of section thirty-three thereof as declares his salary and allowances to be charged on the revenues of the Federation shall come into force on the commencement of Part III of the new Act.

12. So much of section 321 of, and of the Tenth Schedule to, the new Act as repeals sub-section (2) of section 67 of the old Act down to the words "the revenues of India" shall not take effect until the establishment of the Federation.

13. (1) The provisions of this paragraph shall have effect with respect to the period before the commencement of Part III of the new Act.

(2) The accounts for the said period which, but for the commencement of the said Part III would have been audited in India, shall be audited under Part VII of the new Act as if they were accounts of the Governor-General in Council, but the Auditor-General of India shall transmit to the Secretary of State such information as is necessary to enable him properly to perform the duties mentioned in the subsequent provisions of this paragraph.

(3) The accounts for the said period which, but for the commencement of Part III of the new Act, would have been audited in England by the auditor of the accounts of the Secretary of State in Council shall be audited by the Auditor of Indian Home Accounts, who shall have the like powers and perform the same duties in relation thereto as the auditor of the accounts of the Secretary of State in Council would have had if the new Act had not been passed, except that anything to be done by or to the Secretary of State in Council shall be done by or to the Secretary of State; and sub-section (3) of section 27 of the old Act and paragraph 9 of the Order in Council of 1920 relating to the duties of the High Commissioner shall apply accordingly.

Sub-sections (4) and (5) of section one hundred and seventy of the new Act shall not apply in relation to the functions of the Auditor of Indian Home Accounts under this paragraph.

(4) The Secretary of State shall, notwithstanding the repeal of sub-sections (1) and (2) of section twenty-six of the old Act, lay before both Houses of Parliament the same accounts and estimates as the Secretary of State in Council would under those sub-sections have been required so to lay.

14. (1) Anything which under the provisions of the new Act or of any Order or rules made thereunder, is required or authorised to be done by, to or before the Governor of a Province (whether or not the Governor is to act in his discretion or to exercise his individual judgment) shall, before the commencement of Part III of the new Act, be done by, to or before the Governor in Council or, in the case of Sind or Orissa, the Governor.

(2) The provisions of section two hundred and sixty-one of the new Act, which require the Secretary of State not to exercise certain powers except with the concurrence of his advisers, shall, in relation to any prospective exercise of those powers before the commencement of Part III of the new Act, be deemed to be satisfied if he exercises those powers with the concurrence of the majority of votes at a meeting of the Council of India.

15. (1) For a period of twelve months from the date of the commencement of Part III of the new Act a person who immediately before the said date was holding an office under the Crown in India shall not be disqualified from continuing to hold that office by reason of the fact that he is not a British subject and that no declaration entitling him to hold the office has been made under section two hundred and sixty-two of the new Act.

(2) Until other provision is made under the new Act, the conditions of service applicable to any person or any class of persons appointed or to be appointed to serve His Majesty in a civil capacity in India shall be the same as were applicable to that person or, as the case may be, to persons of that class immediately before the commencement of Part III of the new Act.

16. The provisions of this Order shall be in addition to, and not in derogation of, the provisions of section thirty-seven of the Interpretation Act, 1889.

M. P. A. HANKEY.

The Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936.

The Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936.

At the Court of Buckingham Palace, the 3rd day of July, 1936.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by section two hundred and ninety-one of the Government of India Act, 1935 (hereafter in this Order referred to as "the Act") His Majesty in Council is empowered to make provision with respect to certain matters connected with elections under the Act:

And whereas by subsection (1) of section sixty-nine of the Act His Majesty in Council is empowered to declare certain offences and practices to be offences and practices involving disqualification for membership of Provincial Legislatures and to fix the periods for which the disqualifications are to operate:

And whereas a draft of this Order has been laid before Parliament in accordance with the provisions of subsection (1) of section three hundred and nine of the Act and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, is pleased by and with the advice of his Privy Council to order, and it is hereby ordered, as follows:—

PART I.

Introductory.

1. This Order may be cited as "The Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936."

2. The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) In this Order, except where it is otherwise expressly provided or the context otherwise requires—

"election" means an election to fill a seat or seats in either Chamber of a Provincial Legislature;

"*prescribed*" means prescribed *by Act of the Provincial Legislature or by Rules*;

"Rules" means rules made under paragraph twenty of the Fifth Schedule to the Act;

"Sign" in relation to a person who is unable to write his name means authenticate in such manner as may be prescribed;

"Oath" includes affirmation.

(2) The provisions of Parts II and III of this Order shall, in relation to constituencies in which seats are reserved for candidates of any particular class, or in which the final voting is by members of an electoral college previously constituted for that purpose, have effect with such exceptions and subject to such adaptations and modifications as may be prescribed, but subject as aforesaid, any primary election for the purpose of electing candidates for reserved seats, or of constituting any such electoral college, shall be deemed to be part of the election of persons to fill the seats to be filled in the constituency.

(3) Where under any of the provisions of this Order anything is to be prescribed, different provision may be made for different cases or classes of cases.

(4) Any reference in this Order to any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(5) Anything which under the provisions of the Act or of this Order is required or authorised to be done by, to or before the Governor of a Province in connection with any matters to which this Order relates (whether or not the Governor is to act in his discretion or to exercise his individual judgment) shall before the commencement of Part III of the Act be done by, to or before the Governor in Council or, in the case of Sind or Orissa, the Governor.

PART II.

Election Agents and Expenses.

1. Every person nominated as a candidate at an election shall at the prescribed time and in the prescribed manner appoint either himself or some one other person to be his election agent.

2. No person shall be appointed an election agent who is disqualified from being an election agent under the subsequent provisions of this Order.

3.—(1) Any revocation of the appointment of an election agent, whether he be the candidate himself or not, shall be signed by the candidate, and shall operate from the date on which it is lodged with the returning officer.

(2) In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election or after the election but before a return of the candidate's election expenses has been lodged in accordance with the provisions of the next but one succeeding paragraph, the candidate shall appoint forthwith either himself or some other person to be his election agent and shall give notice in writing of the appointment to the returning officer.

4. Every election agent shall, for each election for which he is appointed election agent, keep separate and regular books of account and shall enter therein such particulars of expenditure in connection with the election as may be prescribed.

5.—(1) Within the prescribed time after every election there shall be lodged with the returning officer in respect of each person who has been nominated as a candidate a return of the election expenses of that person signed both by him and his election agent.

(2) Every such return shall be in such form and shall contain such particulars as may be prescribed, and shall be accompanied by declarations in the prescribed form by the candidate and his election agent made on oath before a magistrate.

(3) Notwithstanding anything in this paragraph, where a candidate is owing to absence from India unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent only, and the candidate shall within fourteen days after his return to India cause to be lodged with the returning officer a declaration made on oath before a magistrate in such form as may be prescribed.

6. In each Province provision shall be made by an Act of the Provincial Legislature or by Rules, fixing the maximum scales of election expenses at elections and the numbers and descriptions of persons who may be employed for payment in connection with elections:

Provided that no provision need be so made in any Province with respect to any election held before the expiration of two years from the commencement of Part III of the Act.

7. Except so far as may be prescribed, this Part of this Order does not apply to an election by the members of a Provincial Legislative Assembly to fill seats in the Provincial Legislative Council.

PART III.

Decision of Doubts and Disputes as to the Validity of an Election and Disqualifications for Corrupt Practices.

1. In this Part of this Order and in the First Schedule to this Order, except where it is otherwise expressly provided or the context otherwise requires—

"agent" includes an election agent and any person who, on the trial of an election petition, is held by the

Commissioners to have acted as an agent in connection with the election with the knowledge or consent of the candidate;

"candidate" means a person who has been or claims to have been duly nominated as a candidate at any election, and a candidate who, with the election in prospect, has held himself out as a prospective candidate, shall be deemed to have been a candidate as from the time when he began so to hold himself out;

"electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;

"returned candidate" means a candidate whose name has been published in the prescribed manner as duly elected;

"corrupt practice", in relation to an election by the members of a Provincial Legislative Assembly to fill seats in the Provincial Legislative Council, means one of the practices specified in Parts I and II of the First Schedule to this Order, and in relation to any other election, means one of the practices specified in Parts I, II and III of that Schedule.

2. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part of this Order.

3.—(1) An election petition against any returned candidate may be presented to the Governor—

(*a*) by any candidate or elector on any ground;

(*b*) by an officer empowered in that behalf by the Governor, exercising his individual judgment, on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed.

In this paragraph, "elector," in relation to a commerce and industry, mining or planting constituency, includes all the persons included in the electoral roll as the nominees of any body, notwithstanding that only one of them is entitled to vote.

(2) A petitioner may, if he so desires, in addition to calling in question the election of a returned candidate, claim a declaration that he himself has been duly elected, but such a declaration shall only be claimed on one or other of the following grounds:—

(*a*) that in fact the petitioner received a majority of the valid votes; or

(*b*) that, but for the votes obtained for the returned candidate by corrupt practices, the petitioner would have obtained a majority of the valid votes.

4.—(1) Unless the Governor, exercising his individual judgment, dismisses a petition for non-compliance with the prescribed requirements, he shall, exercising his individual judgment, appoint as Commissioners for the trial of the petition

three persons who are or have been, or are eligible to be appointed, judges of a High Court, and shall appoint one of them to be the President:

Provided that nothing in this sub-paragraph shall be deemed to prevent the appointment of the President of a Commission before the other Commissioners are appointed.

(2) Subject to the provisions of this paragraph, all applications and proceedings in connection with the petition shall be dealt with by, and carried on by or before, the Commissioners.

(3) Where in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all those petitions to the same Commissioners, who may at their discretion inquire into the petitions either separately or in one or more groups, as they think fit.

(4) If the services of any Commissioner are not available for the purposes of the inquiry or if during the course of the inquiry any Commissioner is unable to continue to attend thereat, the Governor, exercising his individual judgment, shall appoint another Commissioner and the inquiry shall recommence before the Commission as so reconstituted:

Provided that the Commissioners may direct that any evidence already recorded shall remain upon record, and in that case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) References to the Commissioners in this Part of this Order shall, as respects any matter to be done before the commencement of the inquiry, be deemed to be references to the President.

5. When at an inquiry into an election petition the Commissioners so order, the Advocate-General of the Province, or some person acting under his instructions, shall attend and shall take such part therein as the Commissioners may direct.

6. Subject to the provisions of this Part of this Order, Acts of the Provincial Legislature and Rules may regulate the form of election petitions, the time and manner in which they are to be presented, the persons who are to be made parties thereto, the procedure to be adopted in connection therewith and the circumstances in which petitions are to abate, or may be withdrawn, and in which new petitioners may be substituted, may require security to be given for costs and may authorise the Governor, exercising his individual judgment, to dismiss petitions for non-compliance with the prescribed requirements.

7.—(1) Subject to the provisions of this paragraph, if in the opinion of the Commissioners—

(*a*) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt practice; or

(*b*) any corrupt practice specified in Part I of the First Schedule to this Order has been committed in the interests of a returned candidate; or

(*c*) the result of the election has been materially affected by the improper acceptance or rejection of any nomination, or by reason of the fact that any person nominated was not qualified or was disqualified for election, or by the improper reception or refusal of a vote, or by the reception of any vote which is void, or by any non-compliance with the provisions of the Act or of this Order, or of any Act of the Provincial Legislature or Rules relating to the election, or by any mistake in the use of any prescribed form; or

(*d*) the election has not been a free election by reason of the large number of cases in which bribery or undue influence has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in Part I of the First Schedule to this Order, but further report that the candidate has satisfied them that—

(*a*) no corrupt practice was committed at the election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(*b*) the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election;

(*c*) the corrupt practices mentioned in the report were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election; and

(*d*) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Commissioners may find that the election of the candidate is not void.

(3) If a person (not being entitled so to do) votes more than once at the same election, all his votes shall be deemed for the purposes of this paragraph to be void.

8.—(1) At the conclusion of the enquiry the Commissioners shall report whether the returned candidate, or any person who has lodged a petition and claimed a seat, has been duly elected and in so reporting shall have regard to the provisions of the last preceding paragraph.

(2) The report shall further include a recommendation by the Commissioners as to the total amount of costs which are payable and the persons by and to whom the cost should be paid, and any such recommendation may include a recommendation for the payment of costs to the Advocate-General of the Province or a person acting under his instructions attending the trial in pursuance of an order of the Commissioners.

(3) The report shall be signed by all the Commissioners and the Commissioners shall forthwith forward their report to the Governor, who on receipt thereof shall issue orders in accordance with the report and publish the report in the Government Gazette of the Province, and the orders of the Governor shall be final.

9. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail and their report shall be expressed in terms of the views of the majority.

10. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of that corrupt practice; and

(*b*) the names of all persons, if any, who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of that practice with any such recommendations as the Commissioners may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under paragraphs two to five of Part IV of this Order:

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

PART IV.

DISQUALIFICATIONS.

1. The offences and practices specified, in relation to certain elections, in the Second Schedule to this Order shall, for the periods respectively specified in relation to those offences and practices in that Schedule, entail disqualification for membership of any Provincial Legislature.

2. If any person—

(*a*) is, in connection with an election to a Provincial Legislature, the Coorg Legislative Council or a local body in British India, convicted of an offence under

Chapter IXA of the Indian Penal Code punishable with imprisonment for a term exceeding six months; or

(b) is after an inquiry under Part III of this Order reported as guilty of any such corrupt practice as is specified in Part I or Part II of the First Schedule to this Order,

he shall, for a period of six years from the date of the conviction or report, be disqualified for voting at any election.

3. If, in relation to any election (other than an election by the members of a Provincial Legislative Assembly to fill seats in the Provincial Legislative Council), any person is after such an inquiry as aforesaid reported as guilty of any such corrupt practice as is specified in Part III of the said Schedule he shall be disqualified for voting at any election for a period of four years from the date of the report.

4. Where under either of the two last preceding paragraphs a person is in connection with an election in a commerce and industry, mining or planting constituency disqualified for voting for any period, then if that person was at the date of election either

(a) included in the electoral roll for the constituency as the nominee of a firm, Hindu joint family or corporation entitled to nominate persons for inclusion therein; or

(b) a member of any such firm or Hindu joint family or a director, managing agent or manager of any such corporation or a person authorised to sign in the name of any such firm, Hindu joint family or corporation in the ordinary course of its business,

the firm, family or corporation shall, for the like period, be disqualified from nominating persons for inclusion in the electoral roll of any commerce and industry, mining or planting constituency.

5. If default is made in making the return of the election expenses of any person who has been nominated as a candidate at an election to which Part II of this Order applies, or if such a return is found, either by Commissioners holding an inquiry into the election or by any court in a judicial proceeding, to be false in any material particular, the candidate and his election agent shall be disqualified for voting at any election for a period of five years from the date by which a return was required to be lodged.

6. Every person shall be disqualified for voting at any election who is for the time being disqualified for voting at elections to the Federal Legislature by reason of misconduct in connection with an election to that Legislature, or by reason of a default in making, or of the falsity of, any return of election expenses at any election to that Legislature.

References in this paragraph to the Federal Legislature shall until the establishment of the Federation be construed as references to the Indian Legislature.

7. Any person who is for the time being disqualified under the foregoing provisions of this Part of this Order for being a member of a Provincial Legislature, or for voting at elections, shall, so long as the disqualification exists, also be disqualified for being an election agent at any election.

8. Any disqualification under paragraphs two to five of this Part of this Order arising in connection with an election to the Legislature of, or to a local body in, a Province may be removed by the Governor of that Province in his discretion, and any other disqualification under the said paragraph two may be removed, before the establishment of the Federation, by the Governor-General in Council, and, after the establishment of the Federation, by the Governor-General in his discretion.

9. In paragraph one of this Part of this Order, "elections" includes all the elections referred to in the Second Schedule to this Order, but save as aforesaid, the references in this Part of this Order to elections, other than express references to elections of any other kind, shall be construed as references to elections as defined in paragraph three of Part I of this Order.

M. P. A. HANKEY.

FIRST SCHEDULE.

Corrupt Practices.

Part I.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(*b*) an elector to vote or refrain from voting at an election,

or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

For the purposes of this paragraph the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election and duly entered in the return of election expenses prescribed by this Order.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(*a*) without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(i) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind; or

(ii) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph;

(*b*) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

5. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorising by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of this order or of any Act of the Provincial Legislature or Rules.

PART II.

1. Any act specified in Part I of this Schedule, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

3. The receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term "gratification" has the same meaning as it has for the purposes of paragraph one of Part I of this Schedule.

4. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

1. The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.

2. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

SECOND SCHEDULE.

DISQUALIFICATIONS FOR MEMBERSHIP OF PROVINCIAL LEGISLATURES.

Elections.	Offence or Corrupt Practice.	Period of Disqualification.
Elections to which Chapter IXA of the Indian Penal Code applies.	Offences under Chapter IXA of the Indian Penal Code punishable with imprisonment for a term exceeding six months.	Six years from the date of conviction.
Elections as defined in paragraph three of Part I of this Order.	Corrupt practices specified in Parts I and II of the First Schedule to this Order.	Six years from the date of the report of the tribunal holding the inquiry.
Elections as defined in paragraph three of Part I of this Order, other than elections by the members of a Provincial Legislative Assembly to fill seats in the Provincial Legislative Council.	Corrupt practices specified in Part III of the First Schedule to this Order.	Four years from the date of the report of the tribunal holding the inquiry.
Elections to Federal Legislature.	Corrupt practices as defined in any Order under the Act relating to such elections.	The period for which the corrupt practice entails disqualification for membership of Federal Legislature.
Elections under the Government of India Act.	Any corrupt practice within the meaning of the Electoral Rules under the Government of India Act relating to the election in question.	Such period, commencing on the date of the report of the Commissioners under the electoral rules relating to the election in question, as is the maximum period of disqualification specified in those rules for inclusion in electoral rolls thereunder.

The Government of India (Excluded and Partially Excluded Areas) Order, 1936.

REFORMS OFFICE.

NOTIFICATION.

New Delhi, the 19th March 1936.

No. F. 4/1/35-G. (B).—The following order of the King's Most Excellent Majesty in Council is published for general information:—

The Government of India (Excluded and Partially Excluded Areas) Order, 1936.

AT THE COURT AT BUCKINGHAM PALACE.

Tre 3rd day of March, 1936.

Present.

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by sub-section (1) of section ninety-one of the Government of India Act, 1935 (hereafter in this Order referred to as "the Act"), His Majesty in Council is empowered to declare what areas are to be excluded areas and partially excluded areas within the meaning of the Act:

AND WHEREAS a draft of his Order has been laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the Act and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, is pleased by and with the advice of his Privy Council to Order, and it is hereby ordered as follows:—

1. This Order may be cited as "The Government of India (Excluded and Partially Excluded Areas) Order, 1936."

2. The areas specified in Part I of the Schedule to this Order shall be the excluded areas, and the areas specified in Part II of that Schedule the partially excluded areas, within the meaning of the Act.

3. Any reference in the said Schedule to any District administrative area or estate shall be construed as a reference to that District, area or estate as existing on the first day of January, nineteen hundred and thirty-six.

M. P. A. Hankey.

SCHEDULE.

PART I.—EXCLUDED AREAS.

MADRAS.

The Laccadive Islands (including Minicoy) and the Amindivi Islands.

BENGAL.

The Chittagong Hill Tracts.

THE PUNJAB.

Spiti and Lahaul in the Kangra District.

ASSAM.

The North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.
The Naga Hills District.
The Lushai Hills District.
The North Cachar Hills Subdivision of the Cachar District.

THE NORTH-WEST FRONTIER PROVINCE.

Upper Tanawal in the Hazara District.

PART II.—PARTIALLY EXCLUDED AREAS.

MADRAS.

The East Godavari Agency and so much of the Vizagapatam Agency as is not transfererd to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

BOMBAY.

In the West Khandesh District, the Shahada, Nandurbar and Taloda Taluks, the Navapur Petha and the Akrani Mahal, and the villages belonging to the following Mehwassi Chiefs, namely, (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walwi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur.

The Satpura Hills reserved forest areas of the East Khandesh District.

The Kalvan Taluk and Peint Petha of the Nasik District.

The Dahanu and Shahapur Taluks and the Mokhada and Umbergaon Pethas of the Thana District.

The Dohad Taluk and the Jhalod Mahal of the Broach and Panch Mahals Districts.

BENGAL.

The Darjeeling District.

The Dewanganj, Sribardi, Nalitabari, Haluaghat, Durgapur and Kalmakanda police-stations of the Mymensingh District.

The United Provinces.

The Jaunsar-Bawar Pargana of the Dehra Dun District.
The portion of the Mirzapur District south of the Kaimur range.

Bihar.

The Chota Nagpur Division.

The Santal Parganas District.

The Central Provinces and Berar.

In the Chanda District, the Ahiri Zamindari in the Sironcha Tahsil, and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindaris in the Garchiroli Tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partapgarh (Pagara), Almod and Sonpur Jagirs of the Chhindwara District, and the portion of the Pachmarhi Jagir in the Chhindwara District.

The Mandla District.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District.

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District.

The Baihar tahsil of the Balaghat District.

The Melghat taluq of the Amraoti District.

The Bhainsdehi tahsil of the Betul District.

Assam.

The Garo Hills District.

The Mikir Hills (in the Nowgong and Sibsagar Districts).

The British portion of the Khasi and Jaintia Hills District, other than the Shillong Municipality and Cantonment.

Orissa.

The District of Angul.

The District of Sambalpur.

The areas transferred from the Central Provinces under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

The Ganjam Agency Tracts.

The areas transferred to Orissa under the provisions of the aforesaid Order from the Vizagapatam Agency in the Presidency of Madras.

W. H. Lewis,

Additional Secretary.

The Government of India (Distribution of Revenues) Order, 1936.

THE GOVERNMENT OF INDIA (DISTRIBUTION OF REVENUES) ORDER, 1936.

AT THE COURT AT BUCKINGHAM PALACE.

The 3rd day of July, 1936.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by sub-section (1) of section one hundred and thirty-eight of the Government of India Act, 1935 (hereafter in this Order referred to as " the Act "), it is provided that taxes on income other than agricultural income shall be levied and collected by the Federation, but that (subject to the provisions of the said sub-section with respect to surcharges for Federal purposes) a percentage to be prescribed by his Majesty in Council of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, shall be assigned to the Provinces and to the Federated States, if any, within which that tax is leviable in that year, and shall be distributed among the Provinces and those States in such manner as may be prescribed by His Majesty in Council :

AND WHEREAS by sub-section (2) of the said section one hundred and thirty-eight the Federation is, notwithstanding anything in sub-section (1) of that section, authorised to retain out of the moneys assigned by the said sub-section (1) to Provinces and States—

(*a*) in each year of a period to be prescribed by His Majesty in Council such sum as may be so prescribed ;

(*b*) in each year of a further period to be so prescribed a sum less than that retained in the preceding year by an amount, being the same, amount in each year, so calculated that the sum to be retained in the last year of the period will be equal to the the amount of each such annual reductions :

. . .

AND WHEREAS by sub-section (2) of section one hundred and forty of the Act it is provided that one-half, or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall be assigned to the provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein :

AND WHEREAS by section one hundred and forty-two of the Act it is provided that such sums as may be prescribed by His Majesty in Council shall be charged on the revenues of the Federation in each year as grants in aid of the revenues of such Provinces as His Majesty may determine to be in need of assistance :

AND WHEREAS by virtue of the provisions of Part XIII of the Act references in the sub-sections and sections aforesaid to the Federation are, as respects the period elapsing between the commencement of Part III of

the Act and the establishment of the Federation, to be construed as references to the Governor-General in Council:

AND WHEREAS a draft of this Order has been laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the Act and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

Introductory.

1. This Order may be cited as "The Government of India (Distribution of Revenues) Order, 1936."

2. The Interpretation Act, 1889, applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. As respects the period elapsing between the commencement of Part III of the Act and the establishment of the Federation, references in this Order to the Federation shall be construed as references to the Governor-General in Council.

4. Any reference in this Order to a year shall be construed as a reference to a period of twelve months beginning on the first day of April.

Taxes on income.

5. The percentage which under sub-section (1) of section one hundred and thirty-eight of the Act is to be prescribed by His Majesty in Council shall be fifty per cent., and the sums falling to be distributed under that sub-section in any year among the Provinces shall be distributed as follows:—

	Per cent.
Madras	15
Bombay	20
Bengal	20
The United Provinces	15
The Punjab	8
Bihar	10
The Central Provinces and Berar ..	5
Assam	2
The North-West Frontier Province ..	1
Orissa	2
Sind	2

6.—(1) The first of the periods to be prescribed by His Majesty in Council under sub-section (2) of the said section one hundred and thirty-eight shall be five years from the commencement of Part III of the Act, and the sum to be retained by the Federation under that sub-section shall, in each of those years, be either the whole of the moneys assigned by sub-section (1) of the said section to Provinces and States, or such part thereof as will together with—

(a) the Federation's share of the divisible net proceeds of the taxes on income for that year ; and

(b) the sum, if any, to be brought into account by the Federation under sub-paragraph (3) of this paragraph, amount to thirteen crores of rupees, whichever is the less.

(2) In this paragraph, "the divisible net proceeds of the taxes on income" means the net proceeds of the taxes on income to which the said section one hundred and thirty-eight relates, except in so far as they represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, or proceeds of any surcharge for Federal purposes.

(3) The sum, if any, to be brought into account by the Federation in any year for the purposes of sub-paragraph (1) of this paragraph shall be a sum to be ascertained by applying to the accounts of the railways, with such alterations in accounts as are necessitated by the separation of Burma, the principles laid down in the Resolution of the Legislative Assembly of the twentieth day of September nineteen hundred and twenty-four, and ascertaining in accordance with those principles what sum, if any, would be the net amount payable for that year under clauses (2) and (3) of that Resolution to general revenues out of the net receipt of the railways :

Provided that for the purpose of ascertaining the net amount so payable to general revenues borrowings from the depreciation fund before the commencement of Part III of the Act shall be deemed not to be repayable and arrears of contributions to general revenues for any year before the commencement of the said Part III shall be deemed not to be payable.

7. The second period to be prescribed by His Majesty in Council under sub-section (2) of the said section one hundred and thirty-eight shall be five years from the expiration of the first period prescribed thereunder.

Jute Export Duty.

8. The proportion of the net proceeds in each year of any export duty on jute or jute products which under sub-section (2) of section one hundred and forty of the Act is to be assigned to the Provinces or Federated States in which jute is grown shall be sixty-two and one-half per cent.

Grants-in-aid to Certain Provinces.

9. There shall be charged on the revenues of the Federation as grants in aid of the revenues of the Provinces mentioned in the Schedule to this Order the sums specified in that Schedule in relation to those Provinces respectively, in each of the years so specified.

M. P. A. Hankey.

SCHEDULE.

Grants to Certain Provinces.

1. The United Provinces :

25 lakhs of rupees in each year of the first five years from the commencement of Part III of the Act.

2. Assam :

30 lakhs of rupees in each year.

3. The North-West Frontier Province :

100 lakhs of rupees in each year.

4. Orissa.

In the first year after the commencement of Part III of the Act, 47 lakhs of rupees ; in each of the next four succeeding years, 43 lakhs of rupees ; and in every subsequent year, 40 lakhs of rupees.

5. Sind :

In the first year after the commencement of Part III of the Act, 110 lakhs of rupees ; in each of the next nine years, 105 lakhs of rupees ; in each of the next twenty years, 80 lakhs of rupees ; in each of the next five years, 65 lakhs of rupees ; in each of the next five years, 60 lakhs of rupees : and in each of the next five years, 55 lakhs of rupees.

PART III.

The Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

NOTIFICATION.

No. 899 A.R.D.—15th May 1936.—In exercise of the powers conferred by paragraph 20 of the Fifth Schedule to the Government of India Act, 1935, read with paragraph 26 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is hereby pleased to make the following rules* for the preparation, revision and publication of the electoral rolls for the Bengal Legislative Assembly:—

*The Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

Preliminary.

1. These rules may be called the Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936. **Short title.**

2. In these rules, unless there is anything repugnant in the subject or context,— **Definitions.**

(a) "Gazette" means the *Calcutta Gazette;*

(b) "Revising Authority" means such person as the Returning Officer may appoint in writing to perform all or any of the duties of the Revising Authority under these rules in respect of a constituency or part of a constituency;

(c) "the Act" means the Government of India Act, 1935; 25 and 26 Geo. V, C. 42.

(d) the expressions "recognised trade union" and "constituent trade union" have the same meanings as the meanings assigned to the said expressions in Part IV of the Order;

(e) "registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926, or under any other law for the registration of trade unions for the time being in force; XVI of 1926.

(f) "commerce" and "mining" have the same meanings as in paragraph 2 of Part I of the Order; and

(g) "the Order" means the Government of India (Provincial Legislative Assemblies) Order, 1936.

---

*The amendments published under notifications Nos. 2911 A.R.D., dated the 27th May 1936, and 6198 A.R., dated the 12th August 1936, have been incorporated in these Rules.

Part I—Appointment of Returning Officers.

3. The Returning Officers for the constituencies mentioned in the first column of Schedule I hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof:

Provided that in any constituency in which a Subdivisional Magistrate is specified to be the Returning Officer, an additional Subdivisional Magistrate in that subdivision shall, when specially authorised in this behalf by the Governor, perform all or any of the functions of the Returning Officer in the said constituency and shall, so far as the said functions are concerned, be deemed to be the Returning Officer for the purpose of these rules.

4. (1) The persons specified in the third column of the said schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof:

Provided that no such person shall perform any of the functions of the Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by a person specified in the corresponding entry in the third column of that schedule.

(2) Reference to the Returning Officer in these rules shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function which he is authorised to perform under sub-rule (1).

Part II—Preparation, Revision and Publication of Electoral Rolls.

5. An electoral roll shall be prepared for every constituency in which shall be included the names of all persons appearing to be entitled to be included in the electoral roll for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which claims for inclusion in the roll or objections to any names or particulars entered in the roll are to be preferred.

6. Every person shall be entitled to have his name included in the electoral roll for a constituency, if he is qualified to be included in such roll under these rules or by virtue of the provisions of the Act or any Order or other rule made thereunder or of any Act of the Provincial Legislature:

Provided that, subject to the proviso to paragraph 7 of Part I of the Sixth Schedule to the Act, no person shall be entitled to have his name included in the electoral roll for more than one territorial constituency:

Provided also that no person shall be entitled to have his name included in the electoral roll for more than one commerce and

industry or landholders' constituency, or for more than one of the trade union, factory and colliery labour constituencies.

7. At the first elections held for the purpose of constituting the Legislative Assembly of the Province or at any bye-election held for the purpose of filling any seat in the Assembly so constituted, a Ruler of an Indian State and a subject thereof shall be deemed to be qualified to be included in the electoral roll for a constituency for the purposes of clause (*c*) of paragraph 3 of Part I of the Sixth Schedule to the Act and clause (*c*) of paragraph 5 of Part I of the Order.

Inclusion of Ruler or subject of an Indian State in the electoral roll.

8. A person shall be qualified to be included in the electoral roll for any territorial constituency by virtue of his educational qualifications under paragraph 4 of Part IV of the Sixth Schedule to the Act if he is proved to have passed the Matriculation Examination of the University of Calcutta or any other Indian University or of a University in the United Kingdom, the Dominions or the Colonies, or any one of the following examinations to be considered equivalent to such Matriculation Examination, namely: —

Educational qualifications for inclusion in the roll.

(*a*) the Entrance Examination of the University of Calcutta, or

(*b*) an Entrance Examination other than the Matriculation Examination of a University in the United Kingdom, the Dominions or the Colonies, or

(*c*) the High School Examination or High Madrassah Examination of the Board of Intermediate and Secondary Education, Dacca, or

(*d*) the School Final Examination, Science Side, conducted by the School Final Examination Board, Science Side, or

(*e*) the Cambridge Junior Local Examination, or

(*f*) the Oxford Junior Local Examination, or

(*g*) the examination for the Oxford and Cambridge Higher Certificate, or

(*h*) the Higher Grade School Final Examination under the European School Code, or

(*i*) the Title Examination conducted by the Bengal Sanskrit Association (or Calcutta Sanskrit Board as it was previously called), or Calcutta Sanskrit Association, or

(*j*) the Title Examination conducted by the Eastern Bengal Saraswat Samaj, Dacca, or

(*k*) the Fazil Examination conducted by the Board of Central Madrassah Examinations, or

(*l*) the Final Examination of the First Grade Training or Normal Schools in Bengal, or

(*m*) the Final Examination of the Government School of Art, or

(*n*) the Final Examination of the Government Commercial Institute, or

(*o*) the examination for the Senior Training Certificate for women, or

(*p*) any examination accepted by the Governor as equivalent to the Matriculation standard.

9. For the purpose of determining under clause (*b*) of paragraph 10 of Part I of the Sixth Schedule to the Act, which of several women shall be included in the electoral roll for any territorial constituency in respect of the qualifications of the husband the following procedure shall be adopted:—

The wife whose name is forwarded to the Registering Authority, or his agent employed under rule 16, for this purpose by the husband shall be included in the electoral roll. In every other case the Registering Authority, or his agent employed under rule 16, shall include the senior wife or widow in the electoral roll after determining the seniority according to the priority of the date of marriage.

10. For the purpose of determining under paragraph 3 of the Government of India (Scheduled Castes) Order, 1936, the question as to whether any particular person professes Buddhism or a tribal religion so as not to be deemed to be a member of any Scheduled Caste under that paragraph, such person shall be required by the Registering Authority, or his agent employed under rule 16, to answer in the form of a declaration in writing within such time as may be specified by such authority or his agent the following questions:—

(*1*) Do you or do you not profess Buddhism?
(*2*) Do you or do you not profess a tribal religion?

10A. For the purpose of determining whether a person who is a partner in a firm which was assessed to income-tax in any year shall be deemed to have been assessed to income-tax in that year, such person shall be required to produce a certificate from the Income-tax Officer, or the successor in office of such officer, that such person's share of the firm's income on which income-tax was so assessed was not less than the minimum on which the tax is leviable.

11. (1) No person shall, by virtue of the provision of paragraph 3 or 4 of Part IV of the Sixth Schedule to the Act, be included in the electoral roll for any territorial constituency unless application is made by him or on his behalf by a person authorised by him in writing to the Registering Authority in form IV appended to these rules that he should be so included and unless he or such person proves to the satisfaction of the Registering Authority, or his agent employed under rule 16, by the production of authenticated copies of such documents as may be necessary the qualifications under the said paragraph.

(2) When an application is made by a person or on his behalf under sub-rule (1) for inclusion of his name in the electoral roll for any territorial constituency by virtue of his educational qualifications under paragraph 4 of Part IV of the Sixth Schedule to the Act, he shall produce or cause to be produced along with such application, the original certificate granted to him on the passing of any of the examinations referred to in rule 8, or a copy of such certificate attested to the satisfaction of the Registering Authority, or his agent employed under rule 16, to be a true copy, or when the results of such examination have been published in the Gazette, a copy of the Gazette, containing the

name of such person as having passed such examination, or a copy of the relevant entry in the Gazette indicating the date and number of the page, attested to the satisfaction of the Registering Authority or such agent to be a true copy of the entry, to prove his qualifications under the said paragraph.

Determination of qualification for inclusion in the electoral roll for factory and colliery labour constituencies in certain cases.

12. For the purpose of determining under paragraph 19 of Part IV of the Order the qualifications of a person for being included in the electoral roll for a factory or colliery labour constituency, every manager, assistant manager, engineer, contractor or other persons whose duties involve primarily literary or professional training, shall be treated as persons falling within the provisions of sub-paragraph (2) of the said paragraph.

Application for inclusion in the electoral roll of tea garden, factory and colliery labour constituencies in certain cases.

13. No person who, in the case of a tea garden labour constituency has been employed in more than one tea garden for the period or periods sufficient to qualify him for inclusion in the electoral roll of that constituency under sub-paragraph (1) of paragraph 25 of Part IV of the Order, or in the case of a factory or colliery labour constituency has been employed in more than one qualifying industrial establishment within the meaning of sub-paragraph (4) of paragraph 17 of Part IV of the Order, for the like period or periods under sub-paragraph (6) or sub-paragraph (7) of paragraph 19 of Part IV of the Order, as the case may be, shall by virtue of the provisions of Part IV of the Order be included in the electoral roll for that constituency unless application is made by him or on his behalf by a person authorised by him in writing to the Registering Authority in form VIII appended to these rules that he should be so included and unless he or such person proves to the satisfaction of the Registering Authority, or his agent employed under rule 16, by the production of certificates from the managers or other responsible officers of the tea gardens, factories or collieries, as the case may be, the qualifications under the said Part.

Notice inviting application for inclusion in the electoral roll.

14. (1) Before the preparation of an electoral roll for a territorial constituency or a tea garden, factory or colliery labour constituency is taken in hand, the Registering Authority shall cause a notice in form I or form II annexed to these rules to be published inviting applications referred to in sub-rule (1) of rule 11 or rule 13, as the case may be, for inclusion in the electoral roll of the constituency, within the time to be specified by the Registering Authority in the notice. Such time shall not be less than fourteen days from the publication of the notice.

(2) Notice under sub-rule (1) shall be published in such manner and in such places within the constituency as the Governor may direct.

Preparation of electoral roll.

15. The electoral roll for every constituency specified below shall be prepared by the authority (referred to in these rules as the "Registering Authority") noted against each—

(1) a Calcutta constituency, by the Chief Executive Officer of the Corporation of Calcutta;

(2) the Calcutta *cum* Presidency Division (Indian Christian) and Calcutta and Suburbs (European) constituencies, by the Member, Board of Revenue, Bengal;

(3) a territorial constituency other than a Calcutta constituency and the Calcutta *cum* Presidency Division (Indian Christian) and Calcutta and Suburbs (European) constituencies—

(*a*) when it comprises a single subdivision, or district, or part of a single subdivision, or district, by the Magistrate of the subdivision or district, as the case may be;

(*b*) when it comprises a single division, or part of a division extending over more than one district, by the Commissioner of that division;

(*c*) when it comprises the whole or part of more than one division, by such officer as the Governor may, by notification in the Gazette, appoint;

(4) a landholders' constituency, by the Commissioner of the division;

(5) (i) the Calcutta University Constituency, by the Member, Board of Revenue, Bengal, and (ii) the Dacca University Constituency, by the Commissioner of the Dacca Division;

(6) a commerce and industry constituency, by the Commissioner of the Presidency Division; and

(7) a labour constituency other than a trade union constituency—

(*a*) in the case of the Calcutta and Suburbs Factory Labour Constituency, by the Commissioner of the Presidency Division; and

(*b*) in other cases when the constituency is comprised within a single district or part of a district, by the Magistrate of the district.

16. For the purpose of preparing the electoral roll the Registering Authority may employ such agency as he thinks fit.

17. The electoral roll of each constituency shall be prepared in such form and in such language as the Governor may direct.

18. The Registering Authority may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll, and so much of the roll as relates to an electoral area may be separately prepared.

19. Before the preparation of an electoral roll for a commerce and industry constituency is taken in hand, the Registering Authority shall call upon each of the constituent bodies referred to in sub-paragraph (2) of paragraph 8 of Part IV of the Order, to prepare and to submit to him within such time and in such form as may be specified by him in this behalf a list of the qualified members of the body within the meaning of sub-paragraph (2) of paragraph 9 of Part IV of the Order together with, in the case where such member is a firm, corporation or Hindu joint family, the names of the nominees of such firm, corporation or Hindu joint

family nominated by it under paragraph 10 of Part IV of the Order.

20. When the nominees of a firm, corporation or Hindu joint family are entitled to be included in the electoral roll of a commerce and industry constituency under rule 6, the names of such nominees not exceeding three in number shall be entered at one and the same place bearing consecutive serial numbers in the column showing the names of the electors in such electoral roll and they shall be described in the roll as nominees of such firm, corporation or Hindu joint family, as the case may be, and the address of the office of such firm, corporation or Hindu joint family shall also be given in the roll.

Particulars to be entered in the electoral rolls of commerce and industry constituencies in certain cases.

21. When any question arises whether an individual, firm, corporation or Hindu joint family concern was assessed to income-tax in any year on income derived from commerce, industry, mining or planting of not less than Rs. 10,000, a statement by the Income-tax Officer or his successor in office that such individual, firm, corporation or Hindu joint family concern was or was not assessed on income derived from commerce, industry, mining or planting of not less than Rs. 10,000 shall be conclusive evidence of the fact.

Evidence as to the assessment of income-tax in the case of a commerce and industry constituency.

22. It shall be the duty of every person in charge of any municipal or cantonment record or the record of any other local body, to give to every Registering Authority or his agent employed under rule 16 or to every Revising Authority such information and such extracts from the said records and such access to such records as may be necessary for the purpose of preparation of the electoral rolls or determination of any claim or objection to any such rolls.

Information regarding, and access to, records of municipalities, cantonments and other local bodies for the purpose of inquiry regarding qualifications of electors and of decisions of claims and objections.

23. The electoral roll of every constituency specified below shall be published by the Registering Authority in the manner noted under each—

Draft publication of electoral roll.

(1) a Muhammadan, or general, or Indian Christian rural constituency—

(*a*) so much of the roll as relates to each chaukidari union, at the office of the panchayat;

(*b*) so much of the roll as relates to each union constituted under the Bengal Village Self-Government Act, 1919, at the office of the union board;

Bengal Act V of 1919.

(*c*) so much of the roll as relates to the jurisdiction of each police-station, at the police-station;

(*d*) so much of the roll as relates to each subdivision, at the subdivisional office:

Provided that so much of the roll as relates to the Sadar subdivision of a district shall be published at the District Office of such district.

(e) so much of the roll as relates to the area included within the jurisdiction of each sub-registry office, at such office;

(f) so much of the roll as relates to each municipality, at the municipal office, and the portion of the roll relating to each ward of a municipality, at a convenient place within the ward;

(g) so much of the roll as relates to the area included within the jurisdiction of each Munsif's Court, at such Court, and the portion of the roll relating to the jurisdiction of the Munsifs' Courts located at headquarters of districts, at the District Judge's Court:

Provided that where there is no District Judge's Court at the headquarters of the district, publication shall be at the Court of the Additional District Judge;

(h) a complete copy of the roll, at the offices of the Registering Authority and of the Returning Officer;

(2) a Muhammadan, or general, or Indian Christian or Women's urban constituency—

(a) so much of the roll as relates to each municipality or cantonment, at the municipal or cantonment office, and the portion of the roll relating to each ward, at a convenient place within the ward;

(b) so much of the roll as relates to Kharagpur town in the district of Midnapore, at such places in the Kharagpur town as the Registering Authority considers suitable;

(c) a complete copy of the roll, at the offices of the Registering Authority and of the Returning Officer;

(3) a European or Anglo-Indian constituency—

(a) so much of the roll as relates to each district and subdivision, at the district and subdivisional offices, respectively:

Provided that so much of the roll as relates to the Sadar subdivision of a district shall be published at the District Office of such district;

(b) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation;

(c) a complete copy of the roll, at the offices of the—

(i) Registering Authority,

(ii) Returning Officer;

(4) a landholders' constituency—

(a) so much of the roll as relates to each district and subdivision, at the district and subdivisional offices, respectively:

Provided that so much of the roll as relates to the Sadar subdivision of a district shall be published at the District Office of such district;

(b) so much of the roll as relates to the area included within the jurisdiction of each Munsif's Court, at such Court, and the portion of the roll relating to the jurisdiction of the Munsifs' Courts located at headquarters of districts, at the District Judge's Court:

Provided that where there is no District Judge's Court at the headquarters of the district, publication shall be at the Court of the Additional District Judge;

(c) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation;

(d) a complete copy of the roll, at the offices of the—

(i) Registering Authority,

(ii) Returning Officer;

(5) a University constituency—

a complete copy of the roll, at—

(i) each district office,

(ii) the offices of the Registering Authority and of the Returning Officer,

(iii) the office of the Registrar of the University;

(6) a commerce and industry constituency—

a complete copy of the roll, at—

(i) the offices of the Registering Authority and of the Returning Officer,

(ii) the office of the Chamber or Association forming the constituency;

(7) a factory labour, colliery labour or tea garden labour constituency—

(a) so much of the roll as relates to each factory, colliery or tea garden, at the office of such factory, colliery or tea garden;

(b) a complete copy of the roll, at the offices of the—

(i) Registering Authority,

(ii) Returning Officer.

Notice inviting claims and objections.

24. A notice in form III annexed to these rules shall be published together with the electoral roll, when published under rule 23, specifying for each electoral area the Revising Authority to whom, the place at which, and the period referred to in sub-rule (1) of rule 25 within which claims for inclusion in the electoral roll, or objections to any names or particulars entered in the roll, are to be preferred.

All such claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority or to the Registering Authority or to the District or Subdivisional Magistrate of the district or subdivision to which the claimant or objector belongs or be sent by post to the Revising

Authority. In the case of labour, university and commerce and industry constituencies the claims and objections shall be addressed and presented or sent by post to the Revising Authority.

Claims and objections when and how to be made.

25. (1) All such claims and objections to the roll shall be made in forms IV, V, VI, VII, VIII and IX annexed hereto, within thirty days from the date of the publication of the roll under rule 23:

Provided that the Governor may, by notification in the Gazette, specify a shorter period within which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(2) The Revising Authority shall not entertain any claim or objection received after the time referred to in sub-rule (1).

Particulars regarding claims and objections.

26. (1) A claim shall be signed either by the person desiring his name to be included in an electoral roll or by an agent authorised in writing by such person and, unless it is sent by post, shall be presented either by such person personally or by such agent:

Provided that when it is desired to have the names of the nominees of a firm, corporation or Hindu joint family included in the electoral roll of a commerce and industry constituency the claim shall be preferred by such firm, corporation or Hindu joint family and not by any of its nominees and shall be signed on its behalf by one of the persons who are qualified to be nominated by it as such nominee and, unless it is sent by post, shall be presented by such person or an agent authorised in writing by such person.

(2) Where objection is made to the inclusion in the roll of any person whose name appears therein, such objection shall contain in respect of such person all the particulars entered in the roll. No person shall prefer an objection to the inclusion of any name in the electoral roll of a constituency unless his name or the name of its nominee is already included in the electoral roll of that constituency. Applications for the transfer of a name from the electoral roll of one constituency to that of another constituency are inadmissible. If any person desires such a transfer he shall prefer an objection to the inclusion of his name in the one roll and a second and separate claim for the inclusion of his name in the other roll.

Making of corrections in the electoral roll.

27. (1) The Registering Authority, or in any case where the Registering Authority is a Commissioner of a division or the Member, Board of Revenue, Bengal, his agent employed under rule 16, shall, within the period specified in sub-rule (1) of rule 25, make an application to the Revising Authority for the making of any corrections in the roll—such as the removal of duplicate entries, or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary to the preparation of a complete and accurate roll.

(2) The Revising Authority shall serve, on each of the persons affected by the application, a notice specifying the correction which it is proposed to make in the roll and the place where and the time when objections to the proposed correction will be heard:

Provided that no such notice shall be served where the Revising Authority is *primâ facie* satisfied that the application for correction

should be granted or where the application is one for the correction of a clerical or printing error.

Register of claims and objections.

28. A register of all claims and objections shall be maintained by the Revising Authorities, the Registering Authorities, the District Magistrates and the Subdivisional Magistrates.

Except in the case where the Revising Authority is *primâ facie* satisfied as to the validity of a claim, every person whose claim or objection is received in time shall be served with a notice in form X by the Revising Authority specifying the place where and the time when his claim or objection will be heard, and directing him or his agent to be present with such evidence as he may wish to adduce.

Notice of objections when to be given.

29. When objection is made by any person to the inclusion of the name of any other person recorded therein, the Revising Authority shall, except in the case where such authority is *primâ facie* satisfied as to the validity of the objection, serve on such other person a notice in form XI annexed to these rules, giving the grounds on which the inclusion of his name has been objected to, and requiring such person or the agent of such person to attend at the place and time fixed for the hearing of the objection.

Service of notice.

30. Every notice issued by the Revising Authority shall, if possible, be served personally, and in default of personal service, shall be served by registered post or by affixing a copy thereof at the residence within the constituency of the person concerned or in the case of a firm, corporation or a Hindu joint family concern at its office. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

Inquiry into claims and objections by the Revising Authority.

31. At the time fixed for the hearing, the Revising Authority shall hold a summary inquiry into the claim or objection preferred, and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the Registering Authority for corrections to the roll. For the purpose of the inquiry the roll as published under rule 23 shall be presumed to be correct and complete until the contrary has been proved. No party shall be represented by any legal practitioner at any proceeding under this rule.

Decision of the Revising Authority regarding claims and objections.

32. The orders made by the Revising Authority shall be final and he shall communicate his decision to the Registering Authority and to the agent, if any, employed under rule 16, and such Registering Authority or agent shall cause the roll to be altered in accordance therewith. The Revising Authority shall also direct the Registering Authority, and such agent, if any, to correct any clerical or printing errors which he may himself discover in the roll.

Final publication of electoral rolls.

33. (1) The electoral roll so altered shall be republished in the manner specified in rule 23 and shall come into force from the date of such republication and shall remain in force for a period of three years after which a fresh roll shall be prepared:

Provided that the Governor may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(2) If a constituency is called upon to elect a member or members, after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

(3) Provision may be made for the sale of copies of the roll to the public.

Amendments to electoral rolls.

34. (1) Notwithstanding anything contained in these rules any person may apply to the Registering Authority for the constituency concerned for the amendment of any electoral roll for the time being in force, and the Registering Authority on receipt of such application shall forward it to the Governor. The Governor may, at any time after any such application has been received in respect of an electoral roll, by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of these rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls:

Provided that where any such application is made for the correction of an existing entry in the electoral roll and the Registering Authority is satisfied after personally hearing the applicant that the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly:

Provided further that where any such application is made for amendment of the electoral roll by the inclusion of the name of the applicant or, in the case where the applicant is a firm, corporation or Hindu joint family, by the inclusion of the names of its nominees, the Registering Authority shall, on payment by the applicant of a fee of Rs. 10 make, subject to the general or special order of the Governor, such inquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the roll or cause it to be amended accordingly:

Provided also that where an application under this sub-rule is made by a firm, corporation or Hindu joint family for the amendment of the electoral roll of a commerce and industry constituency, such application shall be signed by one of the persons who are qualified to be nominated by it as a nominee under paragraph 10 of Part IV of the Order and presented by such person or an agent authorised in writing by such person.

(2) When any list of amendments has been republished under sub-rule (1), the electoral roll to which it relates shall be deemed to have been amended accordingly.

Part III.—Special rules for the preparation, revision and publication of electoral rolls in trade union constituencies.

Special rules to be applicable in a trade union constituency for preparation, etc., of electoral rolls.

35. Save as expressly provided in these rules the provisions of Part II of these rules shall not apply in the case of the preparation, revision and publication of electoral rolls in a trade union constituency but in such case the provisions of this Part shall apply.

36. An electoral roll shall be prepared for every trade union constituency in which shall be included the names of all persons appearing to be entitled to be included in the electoral roll of that constituency. Electoral roll for trade union constituencies.

37. Subject to the provisions of sub-paragraph (1) of paragraph 20 of Part IV of the Order, every person shall be entitled to have his name included in the electoral roll for the Railway Trade Union constituency if he is a member, honorary member or official of a constituent trade union and is qualified to be included in such roll under these rules or by virtue of the provisions of the Act or any Order or other rule made thereunder, or of any Act of the Provincial Legislature. General conditions for inclusion in the electoral roll of the Railway Trade Union constituency.

38. Subject to the provisions of sub-paragraph (1) of paragraph 20 of Part IV of the Order, every person shall be entitled to have his name included in the electoral roll for the Water Transport Trade Union constituency if he is nominated in this behalf by the executive of a constituent trade union under sub-paragraph (5) of paragraph 19 of Part IV of the Order and is qualified to be included in such roll under these rules or by virtue of the provisions of the Act or any Order or other rule made thereunder, or of any Act of the Provincial Legislature. General conditions for inclusion in the electoral roll of the Water Transport Trade Union constituency.

39. At the first elections held for the purpose of constituting the Legislative Assembly of the Province or at any bye-election held for the purpose of filling any seat in a trade union constituency of the Assembly so constituted, a Ruler of an Indian State and a subject thereof shall be deemed to be qualified to be included in the electoral roll for a trade union constituency for the purpose of clause (*c*) of paragraph 5 of Part I of the Order. Inclusion of Ruler or subject of an Indian State in the electoral roll.

40. (1) For the purpose of determination of the trade unions which shall be deemed to be recognised trade unions, and for the purpose of determination of the trade unions which shall be deemed to be constituent trade unions in the case of the Railway Trade Union constituency and in the case of the Water Transport Trade Union constituency, the Governor may, before the preparation of the electoral roll of any trade union labour constituency is taken in hand, appoint under sub-paragraph (4) of paragraph 18 of Part IV of the Order a Tribunal to be called the Trade Union Constituencies Tribunal to perform the functions conferred on him by the provisions of the said paragraph. Appointment of Tribunal.

(2) Such Tribunal may also be appointed by the Governor under the said sub-paragraph at any time for the reconsideration of the circumstances of registered trade unions operating in the Province and for the revoking of certificates previously issued to such trade unions and the granting of new certificates as the circumstances may appear to require.

41. (1) The Trade Union Constituencies Tribunal (hereinafter referred to as "the Tribunal") shall consist of three members, one of whom shall be the President. The President shall be a person who is or has been, or is eligible to be appointed, a Judge of a High Court. The other members shall be persons not engaged in trade, industry, commerce or mining. The names of persons Constitution of the Tribunal and the publication of the names of its members in the Gazette.

appointed as members of the Tribunal shall be published in the Gazette.

(2) If the services of any member of the Tribunal are not available for the purpose of performing any of its functions, or if, during the course of performing any functions of the Tribunal, any member is unable to continue to attend the same, the Governor shall appoint a new member in place of the old member under sub-paragraph (4) of paragraph 18 of Part IV of the Order and the old member shall thereupon cease to be a member but the functions performed by the member before the new member is appointed shall form part of the functions of the Tribunal.

Tribunal to take necessary steps for the issue of certificates and for the revoking of certificates issued.

42. (1) The Tribunal may take such steps as it deems necessary to determine the registered trade unions which shall be certified by it under sub-paragraph (2) of paragraph 18 of Part IV of the Order for the purpose of being deemed as recognised trade unions and the registered trade unions which shall be certified by it under sub-paragraph (1) of that paragraph for the purpose of being deemed a constituent trade union and for the revoking of certificates previously issued and for the granting of new certificates as the case may be.

(2) All notices and requisitions issued under these rules by the Tribunal shall be signed by the President.

Issue of notice inviting applications from trade unions for certificates for being deemed recognised trade unions and constituent trade unions.

43. (1) As soon as may be after its appointment the Tribunal shall cause a notice in form XII annexed to these rules to be issued to all registered trade unions in the province inviting from them applications for certificates to be issued under sub-paragraphs (1) and (2) of paragraph 18 of Part IV of the Order. Such applications shall be submitted to the Tribunal within such time as may be specified in this behalf in the notice by the Tribunal and shall be made in form XIII annexed to these rules and shall be accompanied by—

(*a*) four copies of the rules of the applicant trade union corrected up to the date of the despatch of the rules to the Tribunal; and

(*b*) a list of members of the applicant trade union including honorary members, attested by the auditors appointed by the union for the purpose of the general statement to be submitted to the Registrar of Trade Unions under section 28 of the Indian Trade Unions Act, 1926.

XVI of 1926.

(2) The Tribunal shall not entertain any application for certificate received after the time referred to in sub-rule (1).

Production of registers and documents by trade unions before the Tribunal.

44. For the purpose of satisfying itself as to the claims of a trade union for certificates referred to in rule 43 the Tribunal may require any trade union to produce, within such time as may be specified by the Tribunal, such registers, records or documents as the Tribunal considers necessary, and the Tribunal may employ such agency as it deems fit for the examination of such claims.

45. The Tribunal may call upon any officer or member of a trade union to appear before it for oral examination on a date or dates to be appointed by it.

Appearance of officers and members of the union for oral examination before the Tribunal.

46. If a trade union fails to submit the particulars referred to in clauses (*a*) and (*b*) of sub-rule (1) of rule 43 or to produce registers, records or documents required by the Tribunal under rule 44, the Tribunal may in its discretion refuse to certify the trade union under sub-paragraph (*1*) or sub-paragraph (2) of paragraph 18 of Part IV of the Order.

Penalty for failure to submit particulars or to produce registers, records or documents.

47. The Tribunal, after considering the claims of the trade unions who have applied for certificates under rule 43, shall, within such time as may be fixed in this behalf by the Governor, issue certificates in form XIV to such registered trade unions as satisfy the conditions referred to in clauses (*a*) to (*d*) of sub-paragraph (2) of paragraph 18 of Part IV of the Order, and in form XV to such recognised trade unions as satisfy the conditions referred to in sub-paragraph (1) of that paragraph, and prepare a list of registered trade unions certified by it under sub-paragraph (2) of paragraph 18 of Part IV of the Order and another list of recognised trade unions certified by it under sub-paragraph (1) of the said paragraph showing separately in the latter list the unions the rules of which restrict ordinary membership to persons normally working on railways and the unions at least 80 *per cent.* of members of which are engaged in water transport and either possess certificates of discharge under section 93 of the Indian Merchant Shipping Act, 1923, at the port of Calcutta, or Chittagong or are ordinarily employed as masters or members of crew of vessels used for navigation in inland waters. A copy of each such list shall be published in the Gazette and forwarded to the Registering Authority and the Returning Officer of each trade union constituency, and a copy of the list of recognised trade unions certified under sub-paragraph (2) of paragraph 18 of Part IV of the Order shall be also sent to the Returning Officer of each factory and colliery labour constituency by the Tribunal, as soon as may be, after its preparation.

Issue of certificates to trade unions and the list of trade unions certified by the Tribunal.

XXI of 1923.

48. In the case where a Tribunal has been appointed under sub-paragraph (4) of paragraph 18 of Part IV of the Order for the purposes referred to in sub-rule (2) of rule 40, the Tribunal may revoke the certificates previously issued to any union under sub-paragraph (1) or sub-paragraph (2) of the said paragraph by order in writing in form XVI served on such trade union, and may grant new certificates in form XIV or form XV as the circumstances may appear to the Tribunal to require. The Tribunal in such case shall, within such time as may be fixed in this behalf by the Governor, prepare and issue two revised lists containing the names of trade unions certified respectively under the said sub-paragraphs (1) and (2) in the manner referred to in rule 47 in supersession of the lists issued under that rule. The said two revised lists shall be published in the Gazette and a copy of each shall be forwarded to the Registering Authority and the Returning Officer of

Preparation of issue of revised lists of certified trade unions.

each trade union constituency and a copy of the revised list of recognised trade unions certified under sub-paragraph (2) of the said paragraph shall be also forwarded to the Returning Officer of each factory and colliery labour constituency, as soon as may be, after their preparation.

Place of meeting of the Tribunal.

49. The Tribunal shall meet at such place as the President may determine.

Opinion of the majority in case of disagreement.

50. In the case of disagreement among the members of the Tribunal, the opinion of the majority shall prevail.

Preparation of electoral roll of the Railway and the Water Transport Trade Union constituencies.

51. The electoral rolls for the Railway and the Water Transport Trade Union constituencies shall be prepared by the Registrar of Trade Unions, Bengal, (referred to in these rules as the Registering Authority).

Employment of agents for preparation of electoral rolls of trade union constituencies.

52. For the purpose of preparing the electoral roll the Registering Authority may employ such agency as he thinks fit.

Form and language of electoral rolls of trade union constituencies.

53. The electoral roll of the Railway and the Water Transport Trade Union constituencies shall be prepared in such form and in such language as the Governor may direct.

Registering Authority to call for list of members, etc., for inclusion in the electoral roll of the Railway Trade Union constituency.

54. Before the preparation of the electoral roll for the Railway Trade Union constituency is taken in hand, the Registering Authority shall call upon each constituent trade union to prepare and submit to him within such time and in such form, as may be specified by him in this behalf, a list of members, honorary members and officials of such union who are qualified to be included in the electoral roll for the constituency under paragraph 19 of Part IV of the Order.

Registering Authority to call for list of persons nominated for inclusion in the electoral roll of the Water Transport Trade Union constituency.

55. Before the preparation of an electoral roll for the Water Transport Trade Union constituency is taken in hand, the Registering Authority shall call upon the executive of each constituent trade union to nominate, in accordance with the provisions of sub-paragraph (5) of paragraph 19 of Part IV of the Order, a person or persons qualified to be included in the electoral roll for the constituency under the said paragraph, and to submit to him within such time and in such form as may be specified by him in this behalf a list of persons so nominated together with a list of ordinary members of such union who are not in arrears with their subscriptions to the union and have been members of such union for not less than six months.

Production of registers, records and documents by trade unions and appearance of officers and members of unions for oral examination before the Registering Authority.

56. For the purpose of satisfying himself as to the correctness of the list of members, honorary members and officials submitted by a trade union under rule 54, and the list of persons nominated and the list of ordinary members submitted by a trade union under rule 55, the Registering Authority may require any trade union to produce before him, within such time as he may fix in this behalf, any register, record or document of such union, and may call upon any officer or member of a trade union to appear before him for oral examination on a date or dates to be fixed by him.

57. The electoral roll for the Railway and the Water Transport Trade Union constituencies shall be published by the Registering Authority in the manner noted under each— **Draft publication of electoral rolls in trade union constituencies.**

(1) the Railway Trade Union constituency—

(*a*) so much of the roll as relates to each constituent trade union, at the registered office of such union,

(*b*) a complete copy of the roll, at the offices of the—

(*i*) Registering Authority,

(*ii*) Returning Officer;

(2) the Water Transport Trade Union constituency—

a complete copy of the roll, at—

(*i*) the registered office of each constituent trade union,

(*ii*) the office of the Registering Authority,

(*iii*) the office of the Returning Officer.

58. A notice in form III annexed to these rules shall be published together with the electoral roll, when published under rule 57, specifying the Revising Authority to whom, the place at which, and the period referred to in sub-rule (1) of rule 59 within which claims for inclusion in the electoral roll, or objections to any names or particulars entered in the electoral roll, are to be preferred. In the case of the Water Transport Trade Union constituency a claim may be preferred only by a constituent trade union of the constituency and by no other person for inclusion of the name of a person nominated by it in accordance with the provisions of sub-paragraph (5) of paragraph 19 of Part IV of the Order. All such claims and objections shall be addressed and presented or sent by post to the Revising Authority. **Notice inviting claims and objections.**

59. (1) All such claims and objections to the roll shall be made in forms XVII and XVIII annexed to these rules within fourteen days from the date of the publication of the roll under rule 57. **Claims and objections in trade union constituencies.**

(2) Any such claim or objection when preferred by a trade union shall be signed either by the Secretary to the union or by an agent authorised in writing by such Secretary and, unless it is sent by post, shall be presented either by the Secretary personally or by such agent, and in other cases shall be signed and, unless it is sent by post, shall be presented by the person making it or by an agent authorised in writing by such person.

(3) The Revising Authority shall not entertain any claim or objection received after the expiry of the period referred to in sub-rule (1).

60. The provisions of rules 27, 28, 29, 30, 31, 32, 33 and 34 of Part II shall apply *mutatis mutandis* to claims and objections preferred under rule 58 and to electoral rolls of the Railway and the Water Transport Trade Union constituencies published under rule 57: **General rules regarding decision of claims and objections and final publication of electoral rolls to apply in the case of trade union constituencies.**

Provided that any reference in rules 27 to 34 of Part II to any provision of that Part shall be construed as a reference to the corresponding provision of this Part:

Provided also that a notice issued by the Revising Authority when addressed to a trade union shall be served on the Secretary

to the trade union personally or by registered post, and, in default of such service, shall be served by affixing a copy thereof at the registered office of the union:

Provided further that in the case of an application for amendment of any electoral roll forwarded to the Governor by the Registering Authority under rule 34 of Part II, the Governor may, before directing the preparation of a list of amendments to the electoral roll under that rule, appoint a Tribunal under sub-paragraph (4) of paragraph 18 of Part IV of the Order for purposes referred to in sub-rule (2) of rule 40.

Part IV.—Custody and preservation of electoral rolls and other election papers connected therewith.

Custody and preservation of electoral rolls, etc.

61. (1) The papers mentioned in column 1 of Schedule II hereto annexed shall be kept in the custody mentioned in the second column thereof for the period specified in the third column thereof, unless their retention is otherwise ordered by competent authority.

(2) One complete copy of the final electoral roll of each constituency shall be forwarded by the Registering Authority of each constituency, to the Keeper of Records, Bengal, through the Reforms Office, for permanent deposit in the Secretariat Record Room.

(3) Copies of final electoral rolls referred to in entry 4 of Schedule II deposited under sub-rule (1) and copies of such rolls deposited under sub-rule (2) shall, before deposit, be duly authenticated by the Registering Authority.

(4) Printed copies of final electoral rolls in excess of the number required for permanent record shall be also deposited in the case of a constituency other than a Calcutta constituency in the office of the Registering Authority of the constituency, and in the case of a Calcutta constituency in the office of the Commissioner, Presidency Division. Spare copies of electoral rolls so deposited shall be available for sale to the public for a period of three years from the date of publication after which they will be sold as waste paper under the orders of the authority with whom they are deposited.

(5) The public shall have a right to inspect the election papers mentioned in Schedule II and to get attested copies thereof on payment of the fees laid down in the Bengal Records Manual, 1917, and in the rules for the management of the Secretariat Record Room.

Part V.—Special provisions.

Powers of Governor in case of difficulty.

62. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll under the provisions of these rules, or of the Act or any Order or other rule made under the Act, or of any Act of the Provincial Legislature, the Governor may by order do anything not inconsistent with such provisions which appears to him to be necessary for the proper preparation or publication of the roll.

Interpretation in case of doubt.

63. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held under the Act or any Order or rule made thereunder, or under an Act of the Provincial Legislature, the question shall be referred for the decision of the Governor, and his decision shall be final.

FORM I.

Notice.

(Rule 14.)

For the purpose of preparation of the electoral roll for..................
..../../
....constituencies of the Bengal Legislative Assembly, applications are invited from persons who are qualified to be included in the electoral roll for any of the aforesaid constituencies by virtue of the provisions of *paragraph 3 or paragraph 4 of Part IV of the Sixth Schedule to the Government of India Act, 1935. Such applications shall be made in form IV so as to reach the undersigned not later than the....................day of.......................... 1936, corresponding to the......................day of.......................... (B.S.).

Registering Authority.

Date..

N.B.—Copies of the form will be supplied free by the Registering Authority on application.

**Paragraphs 3 and 4 of Part IV of the Sixth Schedule to the Government of India Act, 1935.*

Qualifications depending on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if at any time during the previous financial or Bengali year he has occupied by virtue of his employment a house in the Province the annual valuation of which is not less than forty-two rupees.

In this paragraph "annual valuation" means the annual rental of the house as ascertained from any accounts of the employer of the person in question which are required by or under any law to be regularly audited or, if the annual valuation is not so ascertainable, one-tenth of the annual remuneration received by the person in question for the employment by virtue of which he occupies it.

Educational qualification.

4. Subject as aforesaid a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation examination of any prescribed university, or an examination prescribed as at least equivalent to any such examination, or if it is so prescribed, any other prescribed examination, not lower than a final middle school examination.

FORM II.

Notice.

(Rule 14.)

For the purpose of preparation of the electoral roll for.... .... (1) Tea Garden/(2) Factory/ (3) Colliery Labour constituency of the Bengal Legislative Assembly, applications are invited from persons who are qualified to be included in the electoral roll for the said constituency, under sub-paragraphs (6) and (7) of paragraph 19 and under paragraph 25 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, but who have been employed in more than one tea garden/factory/mine for the period or periods sufficient to qualify them for inclusion in the said electoral roll.

Such applications shall be made in form VIII so as to reach the undersigned not later than the.................day of......................... 1936, corresponding to the.....................day of.............................. (B.S.).

Registering Authority.

Date..

N.B. —Copies of the form will be supplied free by the Registering Authority on application.

FORM III.

Notice.

(Rules 24 and 58.)

Electoral roll of..constituency.

Union/Municipality/Factory/Colliery/Tea Garden/University/ Association/Chamber/Trade Union.

A draft list of voters included in this part of the abovenamed roll is herewith published for general information. All claims to be included in this roll must be made in form..

....

and all objections to any name entered therein in form........................ not later than the.................day of.......................1936, corresponding to the.......................day of.......................................(B. S.) to...

The Revising Authority for the roll is.......................................

(address)..

Claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority or to the Registering Authority or to the District or Subdivisional Magistrate of the district or subdivision to which the claimant or objector belongs, or be sent by post to the Revising Authority. In the case of Labour, University and Commerce and Industry constituencies the claims and objections shall be addressed and presented or sent by post to the Revising Authority.

Registering Authority.

Dated...

Note.—Copies of the form will be supplied free by the Registering Authority on application.

FORM IV.

Claim for inclusion in the electoral roll of a territorial constituency.

(Rules 11 and 25.)

BENGAL LEGISLATIVE ASSEMBLY.

(*a*)......*General/Muhammadan/Women's/Indian Christian/European/ Anglo-Indian Constituency.*

Claim for inclusion in electoral roll of (*b*)..................................

(*c*) son/wife/daughter of..

(*d*)...

(*e*) resident at No..................Street.................Ward No............/

Village/Ward...............Union/Municipality.....................Post Office

.......................Police-station...................Calcutta, or/Subdivision

.......................District..........................

(*a*) Only the name of the constituency for which this claim is preferred should remain. Strike out others.

(*b*) Name in full.

(*c*) Strike out the words not required.

(*d*) Here insert caste if claimant belongs to a Scheduled Caste, or state whether Muhammadan, European, Anglo-Indian or Indian Christian.

(*e*) Here insert particulars as to place of residence for which claimant claims to be qualified.

The claimant has the following electoral qualification, viz.,............,

....

....

....

in support of which the claimant submits with this claim the following original/certified copies of documents, viz.,......................................

....

....

Declaration.

The above particulars are true and correct in all respects. The claimant is a British subject (or the Ruler or subject of..............State) and has attained the age of 21 years. He ordinarily and actually resides for the greater part of the year at the above address and has not claimed to be included or has not been included in any electoral roll of a territorial constituency with any other address.

Signature or thumb impression of claimant......................................

Signature of person signing on behalf of claimant..........................

Address of person signing if not the claimant...............................

Dated...

N. B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM V.

Claim for inclusion in the electoral roll of a Landholders' Constituency.

(Rule 25.)

BENGAL LEGISLATIVE ASSEMBLY.

........................*Landholders' Constituency.*

Claim for inclusion in electoral roll of (*a*)....................................

....

(*b*) son/wife/daughter of...

(*c*) resident in/at No........................village/Ward/Street..............

union/Municipality..............................Post Office.......................

Police-station ....

(*d*) Subdivision............................District..........................

(*a*) Name in full.

(*b*) Strike out the words not required.

(*c*) Here insert particulars as to place of residence for which claimant claims to be qualified.

(*d*) Strike out if not required.

The claimant has the following electoral qualification, viz.,.

....

....

....

in support of which the claimant submits with this claim the following original/certified copies of documents, viz.,....................................

....

....

Declaration.

The above particulars are true and correct in all respects. The claimant is a British subject (or the Ruler or subject of.................. State) and has attained the age of 21 years. He ordinarily and actually resides for the greater part of the year at the above address and has not claimed registration or has not been registered as a voter with any other address or in any other landholders' constituency.

Signature of claimant..

Signature of person signing on behalf of claimant...............................

Address of person signing if not the claimant.................................

Dated..

N. B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM VI.

Claim for inclusion in the electoral roll of a University Constituency.

(Rule 25.)

BENGAL LEGISLATIVE ASSEMBLY.

..........................*University Constituency.*

Claim for inclusion in electoral roll of (*a*)...............................

....

(*b*) resident at No..........................Street/Village/Ward...............
.....................Union/Municipality.................................Post Office
.....................Police-station.....................District...............

The claimant graduated from the Calcutta/Dacca University in
.......................and

(*c*) is a member of the Senate/Court of the Calcutta/Dacca University.

(*c*) has been a registered graduate of the Calcutta/Dacca University since..................19....

In support of these statements the claimant submits with this claim the following original/certified copies of documents, viz.,.......................
....
....

Declaration.

The above particulars are true and correct in all respects. The claimant is a British subject (or the Ruler or subject of.............. State) and has attained the age of 21 years. He ordinarily and actually resides for the greater part of the year at the above address and has not claimed to be included or has not been included as a voter with any other address.

Signature of claimant..

Signature of person signing on behalf of claimant..........................

Address of person signing if not the claimant................................

Dated..

(*a*) Name in full. Women should state whether married or unmarried; if married, name of husband.

(*b*) Here insert particulars as to place of residence.

(*c*) Strike out if not required.

N. B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM VII.

Claim for inclusion in electoral roll of a Commerce and Industry Constituency.

(Rule 25.)

BENGAL LEGISLATIVE ASSEMBLY.

........................*Constituency*.

Claim for entry in the electoral roll of (*a*)...................................

....having his/its office at (*b*)

....

Post Office/Street..District/Calcutta.

(*a*) Name in full of individual, firm, corporation or Hindu joint family.

(*b*) Here insert particulars as to place of business for which claimant claims to be qualified.

The claimant is a subscribing member in the list of members of (*c*)............................, has paid all subscriptions accrued due before the................................193 , is engaged in commerce, industry, mining or planting, was assessed to income-tax on an income derived from commerce, industry, mining or planting of not less than Rs..............during..........................., (*d*) and has a paid up capital of............................

(*e*) The claimant nominates the following three persons for inclusion in the roll as its nominees:—

(1) Name..

Designation **(*f*)..**

Address...,

(2) Name..

Designation **(*f*)..**

Address...

(3) Name..

Designation **(*f*)..**

Address...,

In support of these statements the claimant submits with this claim the following original/certified copies of documents, viz.,........................

...

...

Declaration.

The above particulars are true and correct in all respects. The claimant has not claimed to be included (*e*) or has not claimed for inclusion of any of its nominees, or has not been included or any of its nominees has not been included as a voter with any other address or in any other commerce and industry constituency.

Signature of claimant...

Signature of person signing on behalf of claimant.............................

Address of person signing if not the claimant.................................

Dated...

(*c*) Here state the name of the Association or Chamber forming the constituency.

(*d*) This should remain in the case of corporation only; strike out in other cases.

(*e*) This applies in the case of a firm, Hindu joint family or corporation only. Strike out in other cases.

(*f*) Here state whether a member, Director, Managing Agent, Manager, Secretary or a person who is or has for at least six months been authorised to sign documents in the name of the claimant in the ordinary course of its business.

N. B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM VIII.

Claim for inclusion in the electoral roll of a Labour (other than Trade Union Labour) Constituency.

(Rules 13 and 25.)

BENGAL LEGISLATIVE ASSEMBLY.

Factory/Tea Garden/Colliery Labour Constituency.

Claim for inclusion in electoral roll..

of (*a*)..

(*b*) son/wife/daughter of...

resident in..............................Village/Ward...............................

Union/Municipality.............................Post Office......................

Police-station..................................Subdivision.........................

District.

Employed in......................as.......................

(*a*) Name in full.

(*b*) Strike out the words not required.

The claimant has the following electoral qualification, viz.,.

....

....

in support of which the claimant submits with this claim the following original/certified copies of documents, viz.,..

....

....

Declaration.

The above particulars are true and correct in all respects. The claimant is a British subject (or the Ruler or subject of.................. State) and has attained the age of 21 years. He has lived for........... months in...........year at the above address and has not claimed registration or has not been registered as a voter with any other address or in any other labour constituency. He is not subject to Indian Military Law.

Signature of claimant...

Signature of thumb impression of claimant......................................

Signature of person signing on behalf of claimant............................

Address of person signing if not the claimant..................................

Dated..

N. B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM IX.

Objection to registration of voters.

(Rule 25.)

BENGAL LEGISLATIVE ASSEMBLY.

(*a*)......*General/Muhammadan/Women's/Indian Christian/European/Anglo-Indian/Landholders'/University/Commerce and Industry/Labour (other than Trade Union) Constituency.*

I hereby give you notice that I object to the entry of (*b*).

on the electoral roll of........................as serial No............in the roll for..
Union/Ward of............................Police-station.......................
Subdivision/Municipality in.....................................District.

The grounds of my objection are—..

in respect of which I submit with this objection the following original/certified copies of document, viz.,..

....

I declare this objection to be true to my own knowledge and information.

Signature or thumb impression of objector..

Entered on the electoral roll of..
constituency as serial No...in the roll for
..................................(*c*) Union/Ward of..............................
(*c*) Subdivision/Municipality in..........................(*c*) district.

Dated.................................

....

Present address.

(*a*) Only the name of the constituency for which this objection is preferred should remain. Strike out other names.
(*b*) Here insert name as it appears in electoral roll.
(*c*) Strike out in the case of constituencies other than a General, Muhammadan or Indian Christian Constituency.

FORM X.

Notice.

(Rule 28.)

To ....

of..

You are hereby informed that your claim/objection in respect of the electoral roll of the..........................constituency of the.................. will be heard at..............................(place) at......................o'clock on the..............day of.............................., and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Certified that this notice has been duly served by me this.............. day of..

Signature.

FORM XI.

Notice.

(Rule 29.)

To..

of...

Whereas objection has been made by....................of..................
............to the inclusion of your name in the electoral roll of the...........
....................constituency of the...................... on the ground that
....
....
....................you are hereby informed that the objection will be heard
at....................at.................o'clock on the......................day of
.................and you are directed to be present at the hearing with such
evidence as you may wish to adduce.

Revising Authority.

Certified that this notice has been duly served by me this..............
day of..

Signature.

FORM XII.

Notice.

(Rule 43.)

For the purpose of certification of registered trade unions under sub-paragraphs (1) and (2) of paragraph 18* of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, the ....union, a registered trade union in Bengal, is invited to prefer a claim before the Tribunal on or before the............................ The claim shall be in Form XIII, a copy of which is sent herewith.

President, Trade Union Constituencies Tribunal.

Date.................

***Paragraph 18, sub-paragraphs (1) and (2), Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936.**

18. (1) A trade union shall be deemed for the purposes of this Order to be a constituent trade union if and only if it is a recognised trade union and is certified by the Governor, exercising his individual judgment to be in the case of the Railway Trade Union constituency, the union the rules of which restrict ordinary membership to persons normally working on railways and in the case of Water Transport Trade Union constituency the union at least 80 *per cent*. of members of which are engaged in water transport either possess certificates of discharge under section 43 of Indian Merchant Shipping Act of 1923 at the port of Calcutta or Chittagong or are ordinarily employed as masters or members of crew of vessels used for navigation in inland waters.

(2) A trade union shall be deemed to be a recognised trade union if and only if it is certified by the Governor, exercising his individual judgment—

(*a*) to be a *bona fide* trade union existing wholly or mainly for industrial or provident purposes; and

(*b*) to have been in existence for at least two years and to have been registered as a trade union for at least one year; and

(*c*) to have had throughout financial year preceding that in which certificate is given at least 250 ordinary members who have paid subscriptions for whole of that year; and

(*d*) to have complied with any requirements imposed by or under the Indian Trade Unions Act, 1926, with respect to the inspection of its books by the registrar of trade unions and with respect to the audit of its accounts.

FORM XIII.

Claim for being certified under sub-paragraphs (1) and (2) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936.

(Rule 43.)

.....................Union.

The above registered trade union claiming to be certified under sub-paragraph (2)/sub-paragraphs (1) and (2) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, submits four copies of rules of the union corrected up to............ ....and the particulars in the accompanying lists in the following forms:—

I. Honorary members.

Serial No.	Name of honorary member.	Address.	Office held.	Date of admission.	Age.	Occupation.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

II. Ordinary members.

Serial No.	Name of ordinary member.	Serial number in register of ordinary members.	Date of admission to union.	Age.	Occupation.	Amount of subscription under the rules.	Latest date of payment of subscription and whether in arrears or not.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Declaration.

The above particulars are true and correct in all respects. The claimant union has been in existence for......years and has been registered as a trade union for....years.

Dated.

Signature of Secretary of claimant union.

Countersigned.
The entries in the accompanying lists are correct.

Signature of person signing on behalf of Secretary of the claimant union.

Signature of auditor of trade union.

Address of the person signing if not the Secretary of the claimant union.

Dated..

FORM XIV.

Certificate to a trade union deemed to be a recognised trade union.

(Rules 47 and 48.)

For the purpose of being deemed to be a recognised trade union under sub-paragraph (2) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, the........... ....union is hereby certified to conform to the requirements mentioned in clauses (*a*) to (*d*) of that sub-paragraph.

President, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Dated...

FORM XV.

Certificate to a trade union deemed to be a constituent trade union.

(Rules 47 and 48.)

For the purpose of being deemed to be a constituent trade union within the meaning of sub-paragraph (1) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, the.....................................union is hereby certified to be a union the rules of which restrict ordinary membership to persons normally working on railways/a union at least 80 *per cent.* of the members of which are engaged in water transport and possess certificates of discharge under section 43 of the Indian Merchant Shipping Act, 1923, at the port of Calcutta or Chittagong (or are ordinarily employed as masters or members of crew of vessels used for navigation in inland waters).

President, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Dated..

FORM XVI.

Revocation of certificate issued to a trade union.

(Rule 48.)

The certificate issued on.................to.................union for the purpose of being deemed to be a recognised/constituent trade union under sub-paragraph (2)/sub-paragraph (1) of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936, is hereby revoked.

President, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Member, Trade Union Constituencies Tribunal.

Dated..

FORM XVII.

Claim for inclusion in the electoral roll of a Trade Union Constituency.

(Rule 59.)

BENGAL LEGISLATIVE ASSEMBLY.

....................*Trade Union Constituency.*

.......................*Union.*

* Claim for inclusion in electoral roll of (*a*).......................... (*b*) resident at No....................Street/Village/Ward................. Union/Municipality..............Post Office........................Subdivision ....District............................employed in............. as...............................

The claimant is an ordinary member of.......................union and paid his subscription to the union in respect of the year ending the ....on the..................... He is not in arrears. The claimant is an honorary member/official of....................union. He was admitted as a member of the union on..................... His age is ....and by occupation he is.......................... His serial number in the register of members is....................*

†The claimant union has....................ordinary members who are not in arrear with their subscription to the union and have been members of the union for not less than six months. The executive of the claimant

---

*The portion between asterisks applies in the case of the Railway Trade Union Constituency. Strike out this portion in the case of the Water Transport Trade Union Constituency.

(*a*) Name in full.

(*b*) Here insert particulars as to place of residence for which claimant claims to be qualified

†The portion between the daggers applies in the case of the Water Transport Trade Union Constituency. Strike out if not required.

union has nominated the following persons for inclusion in the electoral roll of the constituency:—

1. **Name..............................**

   Age..........................

   Address........................

2. **Name..............................**

   Age..........................

   Address..........................†

In support of these statements the claimant submits with this claim the following original/certified copies of documents, viz.,..................

..

Declaration.

The above particulars are true and correct in all respects. The claimant/Each of the persons nominated by the executive of the claimant union named above/is a British subject (or the Ruler or subject of ....State). He has lived for.........months in.........year at the above address. He has/The said persons have, not claimed registration or has/have not been registered as a voter/voters with any other address or in any other trade union constituency or in any factory or colliery labour constituency. He is/The said persons are/not subject to any Indian military law.'

Signature or thumb impression of claimant..................................

Signature of the Secretary to the claimant union.............................

Signature of person signing on behalf of claimant (or Secretary to the claimant union)................. ....

Address of person signing if not the claimant (or Secretary to the claimant union).,...

Dated...................................

N.B.—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.

FORM XVIII.

Objection to electoral roll of a Trade Union Constituency.

(Rule 59.)

...............................*Trade Union Constituency.*

....*Union.*

I hereby give you notice that I object to the entry of the following particulars in the electoral roll of..

viz., ...

....

The grounds of my objection are—...

....

....

in respect of which I submit with this objection the following original/ certified copies of document, viz.,..

I declare this objection to be true to my own knowledge and information.

Signature or thumb impression of objector.

Present address.

Dated..........................

SCHEDULE I.

Returning Officers.

(Rules 3 and 4.)

Class of constituency.	Returning Officer.	Other persons authorised to perform the functions of Returning Officer.
1	2	3
1. A Calcutta territorial constituency.	Chief Presidency Magistrate, Calcutta.	Other stipendiary Magistrates in Calcutta and the 1st and 2nd Municipal Magistrates.
2. A territorial constituency other than a Calcutta constituency when it comprises a single subdivision or part of a subdivision.	Subdivisional Magistrate ..	Magistrate next in rank to the Subdivisional Magistrate.
3. A territorial constituency other than a Calcutta constituency when it comprises a single district or part of a district but not included in item 2.	Magistrate or Deputy Commissioner of the district.	Additional District Magistrate of the district or Joint or Assistant Magistrate (where there is one); the Subdivisional Magistrates; the two senior Deputy Magistrates of the district.
4. A territorial constituency other than a Calcutta constituency when it comprises a single Division or part of a Division, but not included in items 2 and 3.	Commissioner of the Division	Personal Assistant to the Commissioner; District Magistrate of the district in which the headquarters of the division is situated and in the case of the Presidency Division, the Collector of Calcutta.
5. North Bengal Municipal ..	Commissioner, Rajshahi Division.	Personal Assistant to Commissioner; Deputy Commissioner, Jalpaiguri.
6. East Bengal Municipal ..	Commissioner, Dacca Division	Personal Assistant to Commissioner; District Magistrate, Dacca.
7. Calcutta and Suburbs (European)	Member, Board of Revenue, Bengal.	Secretary to the Board of Revenue, Bengal; Personal Assistant to Commissioner, Presidency Division.
8. Anglo-Indian	Ditto ..	Ditto.
9. Calcutta *cum* Presidency Division (Indian Christian).	Ditto ..	Ditto.
10 A landholders' constituency ..	Commissioner of the Division	Personal Assistant to Commissioner; District Magistrate of the district in which the headquarters of the division is situated and in the case of the Presidency Division, the Collector of Calcutta.
11 Calcutta University ..	Member, Board of Revenue, Bengal.	Secretary, Board of Revenue, Bengal; Personal Assistant to Commissioner of the Presidency Division.
12. Dacca University	Commissioner of the Dacca Division.	Personal Assistant to Commissioner and the District Magistrate, Dacca.
13. A Commerce and Industry constituency.	Commissioner of the Presidency Division.	Personal Assistant to Commissioner; the Collector of Calcutta.

Class of constituency. 1	Returning Officer. 2	Other persons authorised to perform the functions of Returning Officer. 3
14. Calcutta and Suburbs (Registered Factories).	Commissioner of the Presidency Division.	Personal Assistant to Commissioner; the Collector of Calcutta.
15. Barrackpore (Registered) Factories).	District Magistrate, 24-Parganas	Additional District Magistrate, 24-Parganas; Subdivisional Magistrate of Barrackpore.
16. Howrah (Registered Factories)	District Magistrate, Howrah	Subdivisional Magistrate, Howrah, and two senior Deputy Magistrates.
17. Hooghly *cum* Serampore (Registered Factories).	District Magistrate, Hooghly	Subdivisional Magistrates of Hooghly Sadar and Serampore.
18. Colliery (Coal Mines) ..	District Magistrate, Burdwan	Subdivisional Magistrate of Asansol.
19. Tea Garden Labour ..	Deputy Commissioners of Jalpaiguri and Darjeeling.	Subdivisional Magistrates and two senior Deputy Magistrates in the districts of Jalpaiguri and Darjeeling.
20. Railway Trade Union ..	Registrar of Trade Unions, Bengal.	Commissioner for Workmen's Compensation, Bengal.
21. Water Transport Trade Union..	Ditto ..	Ditto.

SCHEDULE II.

Custody and preservation of election papers.

(Rule 61.)

Description of the election paper.	Custody.	Period for which to be kept.
1. Preliminary electoral roll published under rule 23 or rule 57 (three copies of each electoral roll).	(*a*) In a constituency other than a Calcutta constituency—in the office of the Registering Authority of the constituency. (*b*) In a Calcutta constituency—in the office of the Commissioner of the Presidency Division.	One year.
2. Application to the Registering Authority under sub-rule (1) of rule 11, or rule 13.	Ditto	One year.
3. Claims or objections to the preliminary electoral rolls and the orders of the Revising Authority thereon.	Ditto	Until the next revision of the electoral roll of the constituency to which they pertain has been completed.
4. Final electoral rolls ..	(*a*) In a constituency other than a Calcutta constituency—five copies in the office of the Registering Authority of the constituency. (*b*) In a Calcutta constituency—five copies in the office of the Commissioner of the Presidency Division.	Permanently.

R. N. GILCHRIST,

Reforms Commissioner and Joint Secretary (Ex-officio) to the Government of Bengal.

The Bengal Legislative Council Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

NOTIFICATION.

No. 2042A.R.D.—20th May 1936.—In exercise of the powers conferred by paragraph 20 of the Fifth Schedule to the Government of India Act, 1935, read with paragraph 23 of Part I of the Government of India (Provincial Legislative Councils) Order, 1936, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is hereby pleased to make the following rules* for the preparation, revision and publication of the electoral rolls for the Bengal Legislative Council:—

*The Bengal Legislative Council Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

Preliminary.

1. These rules may be called the Bengal Legislative Council Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936. Short title.

2. In these rules, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Gazette" means the *Calcutta Gazette;*

(b) "Revising Authority" means such person as the Returning Officer may appoint in writing to perform all or any of the duties of the Revising Authority under these rules in respect of a constituency or part of a constituency;

(c) "the Act" means the Government of India Act, 1935; 25 and 26 Geo. V, C. 42.

(d) "the Order" means the Government of India (Provincial Legislative Councils) Order, 1936.

Part I—Appointment of Returning Officers.

3. The Returning Officers for the constituencies mentioned in the first column of Schedule I hereto annexed shall be the persons respectively specified in the corresponding entry in the second column thereof. Returning Officers.

4. (1) The persons specified in the third column of the said schedule may, subject to the control of the Returning Officer, perform all or any of the functions of the Returning Officer in the constituencies respectively specified in the corresponding entry in the first column thereof: Substitutes for Returning Officers.

Provided that no such person shall perform any of the functions of the Returning Officer, which relate to the acceptance of

---

*The amendments published under notifications Nos. 3032 A.R.D., dated the 27th May 1936 and 6318 A.R., dated the 12th August 1936 have been incorporated in those Rules.

a nomination paper or to the scrutiny of nominations or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the same, in which case the said functions may be performed in any constituency by a person specified in the corresponding entry in the third column of that schedule.

(2) Reference to the Returning Officer in these rules shall, unless a contrary intention appears, be deemed to include any person when performing any duty or function, which he is authorised to perform under sub-rule (1).

Part II—Preparation, revision and publication of electoral rolls.

Electoral roll.

5. An electoral roll shall be prepared for every territorial constituency in which shall be included the names of all persons appearing to be entitled to be included in the electoral roll for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which claims for being included in the roll or objections to any names or particulars entered in the roll are to be preferred.

General conditions for inclusion in the electoral roll.

6. Every person shall be entitled to have his name included in the electoral roll for a territorial constituency, if he is qualified to be included in such roll under these rules or by virtue of the provisions of the Act or any Order or other rule made thereunder or of any Act of the Provincial Legislature:

Provided that no person shall be entitled to have his name included in the electoral roll for more than one territorial constituency.

Inclusion of Ruler or subject of an Indian State in the electoral roll.

7. At the first elections held for the purpose of constituting the Legislative Council of the Province or at any bye-election held, before the elections held in the third year thereafter to fill the seats of members retiring on the expiration of their terms of office, for the purpose of filling any casual vacancy in the Council so constituted, a Ruler of an Indian State and a subject thereof, shall be deemed to be qualified to be included in the electoral roll for a territorial constituency for the purpose of clause (*c*) of paragraph 6 of Part I of the Order.

Inclusion of women on husbands' qualifications.

8. For the purpose of determining under clause (*b*) of paragraph 14 of Part I of the Order, which of several women shall be included in the electoral roll for any territorial constituency in respect of the qualifications of the husband the following procedure shall be adopted:—

The wife whose name is forwarded to the Registering Authority, or his agent employed under rule 10, for this purpose by the husband shall be included in the electoral roll. In every other case the Registering Authority, or his agent employed under rule 10, shall include the senior wife or widow in the electoral roll after determining the seniority according to the priority of the date of marriage.

Certificate as to the total income of a partner in a firm.

8A. For the purpose of determining whether a person who is a partner in a firm which was assessed to income-tax in any financial year shall be deemed to have had in the year in respect of which such

assessment was made the total income referred to in clause (*a*) of paragraph 2 or clause (*a*) of paragraph 7 or clause (*a*) of paragraph 8 of Part IV of the Order, such person shall be required to produce a certificate from the Income-tax Officer, or the successor in office of such officer, that the total income of such person, including the amount in respect of such person's share of the firm's income on which income-tax was so assessed, was not less than the amount specified in clause (*a*) of the said paragraph 2 or clause (*a*) of the said paragraph 7 or clause (*a*) of the said paragraph 8, as the case may be.

Preparation of electoral roll.

9. The electoral roll for every territorial constituency specified below shall be prepared by the authority (referred to in these rules as the "Registering Authority") noted against each—

(1) the Calcutta General (urban) constituency, by the Chief Executive Officer of the Corporation of Calcutta;

(2) the Calcutta Suburbs General (urban) and the Calcutta and Suburbs Muhammadan (urban) constituencies, by the Member, Board of Revenue, Bengal;

(3) a territorial constituency other than the constituencies referred to in clauses (1) and (2) above,—

(*a*) when it comprises a single district, or part of a district, by the Magistrate of that district;

(*b*) when it comprises a single division, or part of a division extending over more than one district, by the Commissioner of that division;

(*c*) when it comprises the whole or part of more than one division, by such officer as the Governor may, by notification in the Gazette, appoint.

Employment of agents for preparation of electoral rolls.

10. For the purpose of preparing the electoral roll the Registering Authority may employ such agency as he thinks fit.

Form and language of electoral rolls.

11. The electoral roll of each constituency shall be prepared in such form and in such language as the Governor may direct.

Division of constituency into electoral areas.

12. The Registering Authority may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll, and so much of the roll as relates to an electoral area may be separately prepared.

Information regarding, and access to, records of municipalities cantonments and other local bodies for the purpose of inquiry regarding qualifications of electors and of decisions of claims and objections.

13. It shall be the duty of every person in charge of any municipal or cantonment record or the record of any other local body, to give to every Registering Authority or his agent employed under rule 10 or to every Revising Authority such information and such extracts from the said records and such access to such records as may be necessary for the purpose of preparation of the electoral rolls or determination of any claim or objection to any such rolls.

Draft publication of electoral roll.

14. The electoral roll of every territorial constituency shall be published by the Registering Authority in the following manner—

(*a*) so much of the roll as relates to each district and subdivision, at the district and subdivisional offices, respectively:

Provided that so much of the roll as relates to the Sadar subdivision of a district shall be published at the District Office of such district;

(b) so much of the roll as relates to Calcutta, at the office of the Chief Executive Officer, Calcutta Corporation, and the portion of the roll relating to each ward at a convenient place within the ward;

(c) a complete copy of the roll, at the offices of the—
(i) Registering Authority,
(ii) Returning Officer.

Notice inviting claims and objections.

15. A notice in form I annexed to these rules shall be published together with the electoral roll, when published under rule 14, specifying for each electoral area the Revising Authority to whom, the place at which, and the period referred to in sub-rule (1) of rule 16 within which claims for being included in the electoral roll, or objections to any names or particulars entered in the roll, are to be preferred.

All such claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority or to the Registering Authority or to the District or Subdivisional Magistrate of the district or subdivision to which the claimant or objector belongs or be sent by post to the Revising Authority.

Claims and objections when and how to be made.

16. (1) All such claims and objections to the roll shall be made in forms II and III annexed hereto, within thirty days from the date of the publication of the roll under rule 14:

Provided that the Governor may, by notification in the Gazette, specify a shorter period within which claims and objections shall be preferred in respect of the electoral roll of any constituency.

(2) The Revising Authority shall not entertain any claim or objection received after the time referred to in sub-rule (1).

Particulars regarding claims and objections.

17. (1) A claim shall be signed either by the person desiring his name to be included in an electoral roll or by an agent authorised in writing by such person and, unless it is sent by post, shall be presented either by such person personally or by such agent.

(2) Where objection is made to the inclusion in the roll of any person whose name appears therein, such objection shall contain in respect of such person all the particulars entered in the roll. No person shall prefer an objection to the inclusion of any name in the electoral roll of a constituency unless his name is already included in the electoral roll of that constituency. Applications for the transfer of a name from the electoral roll of one constituency to that of another constituency are inadmissible. If any person desires such a transfer he shall prefer an objection to the inclusion of his name in the one roll and a second and separate claim for the inclusion of his name in the other roll.

Making of corrections in the electoral roll.

18. (1) The Registering Authority, or in any case where the Registering Authority is a Commissioner of a division or the Member, Board of Revenue, Bengal, his agent employed under rule

10 shall, within the period specified in sub-rule (1) of rule 16, make an application to the Revising Authority for the making of any corrections in the roll—such as the removal of duplicate entries, or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary to the preparation of a complete and accurate roll.

(2) The Revising Authority shall serve, on each of the persons affected by the application, a notice specifying the correction which it is proposed to make in the roll and the place where and the time when objections to the proposed correction will be heard:

Provided that no such notice shall be served where the Revising Authority is *primâ facie* satisfied that the application for correction should be granted or where the application is one for the correction of a clerical or printing error.

Register of claims and objections.

19. A register of all claims and objections shall be maintained by the Revising Authorities, the Registering Authorities, the District Magistrates and the Subdivisional Magistrates.

Except in the case where the Revising Authority is *primâ facie* satisfied as to the validity of a claim, every person whose claim or objection is received in time shall be served with a notice in form IV by the Revising Authority specifying the place where and the time when his claim or objection will be heard, and directing him or his agent to be present with such evidence as he may wish to adduce.

Notice of objections when to be given.

20. When objection is made by any person to the inclusion of the name of any other person recorded therein, the Revising Authority shall, except in the case where such authority is *primâ facie* satisfied as to the validity of the objection, serve on such other person a notice in form V annexed to these rules, giving the grounds on which the inclusion of his name has been objected to, and requiring such person or the agent of such person to attend at the place and time fixed for the hearing of the objection.

Service of notice.

21. Every notice issued by the Revising Authority shall, if possible, be served personally, and in default of personal service, shall be served by registered post or by affixing a copy thereof at the residence within the constituency of the person concerned. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

Inquiry into claims and objections by the Revising Authority.

22. At the time fixed for the hearing, the Revising Authority shall hold a summary inquiry into the claim or objection preferred, and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the Registering Authority for corrections to the roll. For the purpose of the inquiry the roll as published under rule 14 shall be presumed to be correct and complete until the contrary has been proved. No party shall be represented by any legal practitioner at any proceeding under this rule.

Decision of the Revising Authority regarding claims and objections.

23. The orders made by the Revising Authority shall be final and he shall communicate his decision to the Registering Authority and to the agent, if any, employed under rule 10, and such Registering Authority or agent shall cause the roll to be altered in accordance therewith. The Revising Authority shall also direct the Registering Authority, and such agent, if any, to correct any clerical or printing errors which he may himself discover in the roll.

Final publication of electoral rolls.

24. (1) The electoral roll so altered shall be republished in the manner specified in rule 14 and shall come into force from the date of such republication and shall remain in force for a period of three years after which a fresh roll shall be prepared:

Provided that the Governor may, by notification in the Gazette, direct the preparation in accordance with these rules of a fresh roll at any time before the expiration of the said period.

(2) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

(3) Provision may be made for the sale of copies of the roll to the public.

Amendments to electoral rolls.

25. (1) Notwithstanding anything contained in these rules any person may apply to the Registering Authority for the constituency concerned for the amendment of any electoral roll for the time being in force, and the Registering Authority on receipt of such application shall forward it to the Governor. The Governor may, at any time after any such application has been received in respect of an electoral roll, by notification in the Gazette, direct the preparation of a list of amendments thereto, and all the provisions of these rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls:

Provided that where any such application is made for the correction of an existing entry in the electoral roll and the Registering Authority is satisfied after personally hearing the applicant that the entry relates to the applicant and is erroneous or defective in any particular, he may amend the roll or cause it to be amended accordingly:

Provided further that where any such application is made for amendment of the electoral roll by the inclusion of the name of the applicant, the Registering Authority shall, on payment by the applicant of a fee of Rs. 10 make, subject to the general or special order of the Governor, such inquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the roll or cause it to be amended accordingly.

(2) When any list of amendments has been republished under sub-rule (1), the electoral roll to which it relates shall be deemed to have been amended accordingly.

Part III—Custody and preservation of electoral rolls and other election papers connected therewith.

Custody and preservation of electoral rolls, etc.

26. (1) The papers mentioned in column 1 of Schedule II hereto annexed shall be kept in the custody mentioned in the second column thereof for the period specified in the third column thereof, unless their retention is otherwise ordered by competent authority.

(2) One complete copy of the final electoral roll of each constituency shall be forwarded by the Registering Authority of each constituency, to the Keeper of Records, Bengal, through the Reforms Office, for permanent deposit in the Secretariat Record Room.

(3) Copies of final electoral rolls referred to in entry 3 of Schedule II deposited under sub-rule (1) and copies of such rolls deposited under sub-rule (2) shall, before deposit, be duly authenticated by the Registering Authority.

(4) Printed copies of final electoral rolls in excess of the number required for permanent record shall be also deposited in the case of a constituency other than the Calcutta General (Urban) constituency in the office of the Registering Authority of the constituency and in the case of the Calcutta General (Urban) constituency in the office of the Commissioner, Presidency Division. Spare copies of electoral rolls so deposited shall be available for sale to the public for a period of three years from the date of publication after which they will be sold as waste paper under the orders of the authority with whom they are deposited.

(5) The public shall have a right to inspect the election papers mentioned in Schedule II and to get attested copies thereof on payment of the fees laid down in the Bengal Records Manual, 1917, and in the rules for the management of the Secretariat Record Room.

Part IV—Special provisions.

Powers of Governor in case of difficulty.

27. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such roll under the provisions of these rules, or of the Act or any Order or other rule made under the Act, or of any Act of the Provincial Legislature, the Governor may by order do anything not inconsistent with such provisions which appears to him to be necessary for the proper preparation or publication of the roll.

Interpretation in case of doubt.

28. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held under the Act or any Order or rule made thereunder, or under an Act of the Provincial Legislature, the question shall be referred for the decision of the Governor, and his decision shall be final.

FORM I.

Notice.

(Rule 15.)

BENGAL LEGISLATIVE COUNCIL.

Electoral roll of......................................General/Muhammadan/ European constituency.

...................................Subdivision/District.

A draft list of voters included in this part of the abovenamed roll is herewith published for general information. All claims to be included in this roll must be made in form...................................

....

and all objections to any name entered therein in form.................. not later than the..............day of..................193......, corresponding to the......................day of..(B. S.) to...

The Revising Authority for the roll is.......................... .... (address)...

Claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority or to the Registering Authority or to the District or Subdivisional Magistrate of the district or subdivision to which the claimant or objector belongs, or be sent by post to the Revising Authority.

Registering Authority.

Dated...

Note.—Copies of the form will be supplied free by the Registering Authority on application.

FORM II.

Claim for inclusion in the electoral roll of a territorial constituency.

(Rule 16.)

BENGAL LEGISLATIVE COUNCIL.

(*a*).......... *General/Muhammadan/European Constituency.*

Claim for inclusion in electoral roll of (*b*)................................

(*c*) son/wife/daughter of..

(*d*)..

(*e*) resident at No................Street..................Ward No................

............Post Office...............Calcutta, or/Subdivision.....................

District.......................................

(*a*) The name of the constituency for which this claim is preferred only should remain. Strike out others.

(*b*) Name in full.

(*c*) Strike out words not required.

(*d*) Here state whether Muhammadan or European.

(*e*) Here insert particulars as to place of residence for which claimant claims to be qualified.

The claimant has the following electoral qualification, viz.,.

....

....

....

in support of which the claimant submits with this claim the following original/certified copies of documents, viz.,.................................

....

....

Declaration.

The above particulars are true and correct in all respects. The claimant is a British subject (or the Ruler or subject of...........State) and has attained the age of 21 years. He ordinarily and actually resides for the greater part of the year at the above address and has not claimed to be included or has not been included in any electoral roll of a territorial constituency with any other address.

Signature or thumb impression of claimant.....................................

Signature of person signing on behalf of claimant..........................

Address of person signing if not the claimant....................................

Dated...

***N. B.*—Any false declaration made by a person for the purpose of this claim will render such person liable to a penalty.**

FORM III.

Objection to registration of voters.

(Rule 16.)

BENGAL LEGISLATIVE COUNCIL.

(*a*)............*General/Muhammadan/European Constituency.*

I hereby give you notice that I object to the entry of (*b*)..............

....

on the electoral roll of............as serial No.............in the roll for.........
Subdivision...District.

The grounds of my objection are—...

....

....

in respect of which I submit with this objection the following original/certified copies of document, viz.,...

....

I declare this objection to be true to my own knowledge and information.

Signature or thumb impression of objector....................................

Entered on the electoral roll of..
constituency as serial No...in the roll for
....
(*c*) Subdivision in..(*c*) district of
..................constituency.

Dated.....................................

Present address, if any.

(*a*) The name of the constituency for which this objection is preferred only should remain. Strike out others.
(*b*) Here insert name as appears in electoral roll.
(*c*) Strike out when not applicable to a General or Muhammadan Constituency.

FORM IV.

Notice.

(Rule 19.)

To..

of...

You are hereby informed that your claim/objection in respect of the electoral roll of the..........................constituency of the.................. will be heard at..........................(place) at.......................o'clock on the..............day of.............................., and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Certified that this notice has been duly served by me this........... day of...................................

Signature.

FORM V.

Notice.

(Rule 20.)

To..

of..

Whereas objection has been made by......................of..................

............to the inclusion of your name in the electoral roll of the.........

......................constituency of the........................on the ground that

..................you are hereby informed that the objection will be heard

at..................at..................o'clock on the............................day of

..................and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Certified that this notice has been duly served by me this. day of...

Signature.

SCHEDULE I.

Returning Officers.

(Rules 3 and 4.)

Class of constituency.	Returning Officer.	Other persons authorised to perform the functions of Returning Officer.
1	2	3
1. Calcutta (General) ..	Chief Presidency Magistrate, Calcutta.	Other stipendiary Magistrates in Calcutta and the 1st and 2nd Municipal Magistrates.
2. Calcutta Suburbs (General) ..	Member, Board of Revenue, Bengal.	Secretary to the Board of Revenue, Bengal.
3. Calcutta and Suburbs (Muhammadan).	Ditto	Ditto.
4. European	Ditto	Ditto.
5. Any other territorial constituency when it comprises a single district or part of a district.	Magistrate or Deputy Commissioner of the district.	Additional District Magistrate of the district or Joint or Assistant Magistrate (where there is one); the Subdivisional Magistrates; the two senior Deputy Magistrates of the district.
6. Any other territorial constituency when it comprises a single division or part of a division.	Commissioner of the Division	Personal Assistant to the Commissioner; District Magistrate of the district in which the headquarters of the division is situated and in the case of the Presidency Division, the Collector of Calcutta.

SCHEDULE II.

Custody and Preservation of Election Papers.

(Rule 26.)

Description of the election paper.	Custody.	Period for which to be kept.
1. Preliminary electoral rolls published under rule 14 (three copies of each electoral roll).	(a) In a constituency other than the Calcutta General (Urban) constituency—in the office of the Registering Authority of the constituency; (b) In the Calcutta General (Urban) constituency—in the office of the Commissioner of the Presidency Division.	One year.
2. Claims or objections to the preliminary electoral rolls and the orders of the Revising Authority thereon.	Ditto	Until the next revision of the electoral roll of the constituency to which they pertain has been completed.
3. Final electoral rolls ..	(a) In a constituency other than the Calcutta General (Urban) constituency—five copies in the office of the Registering Authority of the constituency; (b) In the Calcutta General (Urban) constituency—five copies in the office of the Commissioner of the Presidency Division.	Permanently.

R. N. GILCHRIST,

Reforms Commissioner and Joint Secretary (Ex-officio) to the Government of Bengal.

PART IV.

Miscellaneous.

Statement showing the form and language prescribed for the electoral rolls for certain constituencies of the Bengal Legislative Assembly and the Bengal Legislative Council.

A. BENGAL LEGISLATIVE ASSEMBLY.

1. *General and Muhammadan Rural constituencies other than the Darjeeling General (Rural) constituency.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and father's name, in one column. (In the case of a woman, husband's name, or if unmarried, father's name. In General constituencies the surname of father should be omitted.)

(*c*) Place of residence and post office (in one column).

(*d*) Nature of qualification (in symbols).

Separate rolls will be prepared for females. In the electoral rolls for General constituencies in the Burdwan, Rajshahi and Chittagong Divisions the names of Indian Christians will be indicated by daggers or any other distinctive mark.

(*ii*) *Language.*—Bengali.

2. **Scheduled Caste rolls for General Rural constituencies.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and father's name, in one column. (In the case of a woman, husband's name, or if unmarried, father's name.)

(*c*) Caste.

(*d*) Place of residence and post office (in one column).

(*e*) Nature of qualification (in symbols).

Separate rolls will be prepared for females.

(*ii*) *Language.*—Bengali.

N.B.—For the purpose of the final election the Schedule Caste rolls will be part of the General rural rolls.

3. *General and Muhammadan Urban constituencies other than Calcutta General and Muhammadan constituencies.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and father's name, in one column. (In the case of a woman, husband's name, or if unmarried, father's name. In the General constituencies the surname of father should be omitted.)

---

* In certain General rural constituencies the names of Scheduled Caste voters have been shown twice—once in the Scheduled Caste rolls and again in the General rolls.

(*c*) Caste in the case of Scheduled Caste voters only in the rolls for General constituencies.

(*d*) Place of residence or description of premises owned or occupied giving rise to qualification, and post office (in one column).

(*e*) Nature of qualification (in symbols).

Separate rolls will be prepared for females. No separate roll is required for Scheduled Castes in General urban constituencies. In the electoral rolls for General constituencies in the Burdwan, Rajshahi and Chittagong Divisions the names of Indian Christians will be indicated by daggers or any other distinctive mark.

(*ii*) *Language.*—Bengali.

4. *Calcutta General and Muhammadan constituencies.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Caste in the case of Scheduled Caste voters only in the rolls for General constituencies.

(*d*) Place of residence or description of premises owned or occupied.

(*e*) Nature of qualification (in symbols).

Separate rolls will be prepared for females. No separate roll is required for Scheduled Castes.

(*ii*) *Language.*—English.

5. *Calcutta (General Urban) Women's constituency.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Caste in the case of Scheduled Caste voters only.

(*d*) Place of residence or description of premises owned or occupied.

(*e*) Nature of qualification (in symbols).

Separate rolls will be prepared for females.

(*ii*) *Language.*—English.

6. *Calcutta (Muhammadan Urban) Women's constituency.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Place of residence or description of premises owned or occupied.

(*d*) Nature of qualification (in symbols).

(*ii*) *Language.*—English.

7. ***Dacca (General Urban) Women's constituency.—***

(*i*) ***Form.***—**The form will contain the following columns:—**

(*a*) Serial number.

(*b*) Name of elector and father's name, in one column. (In the case of a woman, husband's name, or if unmarried, father's name.) The surname of father should be omitted.

(*c*) Caste in the case of Scheduled Caste voters only.

(*d*) Place of residence or description of premises owned or occupied giving rise to qualification, and post office (in one column).

(*e*) Nature of qualification (in symbols).

Separate rolls will be prepared for females.

(*ii*) *Language.*—Bengali.

8. *Dacca (Muhammadan Urban) Women's constituency.—*

(*i*) *Form*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and husband's name, or if unmarried, father's name (in one column).

(*c*) Place of residence or description of premises owned or occupied giving rise to qualification, and post office (in one column).

(*d*) Nature of qualification (in symbols).

(*ii*) *Language.*—Bengali.

9. *Darjeeling General (Rural) constituency.—*

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and father's name in one column. (In the case of a woman, husband's name, or if unmarried, father's name.)

(*c*) Caste. (Caste to be filled in, in case of Scheduled Castes only. In the case of Indian Christians the word "Christian" to be inserted in this column.)

(*d*) Address and post office.

(*e*) Qualification (in symbols).

Names of female voters will be entered at the end of the roll for males.

(*ii*) *Language.*—English.

10. *Anglo-Indian constituency and European constituencies.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Place of residence.

(*d*) Nature of qualification.

Names of female voters will be entered at the end of rolls for males.

(*ii*) *Language.*—English.

11. *Indian Christian constituencies.*—

(1) So much of the rolls as relate to Calcutta—

(*i*) *Form.*—The form will contain the following colunms:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Place of residence or description of premises owned or occupied.

(*d*) Nature of qualification (in symbols).

Names of female voters will be entered at the end of rolls for males.

(*ii*) *Language.*—English.

(2) So much of the rolls as relate to areas outside Calcutta—

A.—Urban areas.

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Father's name. (In the case of a woman, husband's name or if unmarried, father's name.)

(*d*) Place of residence or description of premises owned or occupied giving rise to qualification.

(*e*) Post office.

(*f*) Nature of qualification (in symbols).

Names of female voters will be entered at the end of rolls for males.

(*ii*) *Language.*—Bengali.

B.—Rural areas.

(*i*) *Form*.—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Father's name. (In the case of a woman, husband's name, or if unmarried, father's name.)

(*d*) Place of residence.

(*e*) Post office.

(*f*) Nature of qualification (in symbols).

Names of females voters will be entered at the end of rolls for males.

(*ii*) *Language*.—Bengali.

12. *Commerce and Industry constituencies*.—

(*i*) *Form*.—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector. (The names of the nominees of a firm, Hindu joint family or corporation shall be entered under one serial bearing consecutive numbers.)

(*c*) Place of business of an individual or place of residence of the nominees of a firm, Hindu joint family or corporation.

(*d*) In the case of nominees of a firm, Hindu joint family or corporation, trade name and address of office of such firm, Hindu joint family or corporation.

(*ii*) *Language*.—English.

13. *Landholders' constituencies*.—

(*i*) *Form*.—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Place of residence.

(*ii*) *Language*.—English.

14. *Factory and Colliery labour Constituencies*.—

(*i*) *Form*.—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector and father's name in one column. (In the case of a woman, husband's name, or if unmarried father's name.)

(*c*) Place of residence.

(*d*) Is pay over Rs. 300 p.m.

(*e*) Qualification (in symbols).

The names of female voters will be entered at the end of the rolls for males.

(*ii*) Language.—English.

15. *Tea Garden labour constituency.*—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Father's name. (In the case of a woman, husband's name, or if unmarried, father's name.)

(*d*) Sirdar's name.

(*e*) Name of caste or tribe, if any.

(*f*) Nature of qualification.

The names of female voters will be entered at the end of the rolls for males.

(*ii*) *Language.*—English.

B. Bengal Legislative Council.

All territorial constituencies.—

(*i*) *Form.*—The form will contain the following columns:—

(*a*) Serial number.

(*b*) Name of elector.

(*c*) Place of residence.

(*d*) Nature of qualification.

(*ii*) *Language.*—English.

List of title examinations conducted by the Bengal Sanskrit Association (or Calcutta Sanskrit Board, as it was previously called) considered to be equivalent to the Matriculation standard for the purpose of the educational qualification under paragraph 4 of Part IV of the Sixth Schedule to the Government of India Act.

No.	Subjects.	Titles conferred.
	(a) Nyaya (*Ka*) (b) Nyaya (*Kha*)	Tarkatirtha.
	(c) Nyaya (*Ga*) (d) Nyaya (*Gha*) (e) Jaina Swetambar Nyaya (f) Jaina Digambar Nyaya	Nyayatirtha.
2.	Sankhya	Sankhyatirtha.
3.	Vedanta	Vedantatirtha.
4.	Mimansa	Mimansatirtha.
5.	Sadharan Darsan	Darsantirtha.
6.	Vaishnav Darsan	Vaishnav-Darsantirtha.
	(a) Smriti (*Ka*) (b) Smriti (*Kha*) (c) Smriti (*Ga*) (d) Kamrup Smriti (e) Srihatta Smriti	Smrititirtha.
8.	Puran	Purantirtha.
9.	Jyotish	Jyotish-tirtha.
10.	(a) Rig Veda (b) Sukla Yayur Veda (c) Krishna Yayur Veda (d) Samveda	Vedatirtha.
11.	Kavya	Kavyatirtha.
12.	(a) Panini (b) Sankshiptasar (c) Supadma (d) Kalap (e) Mugdhabodh (f) Proyogratnamala (g) Saraswat (h) Prakriya Kaumudi (i) Harinamamrita (j) Jaina Swetambar Vyakaran (k) Jaina Digambar Vyakaran	Vyakarantirtha.
13.	Upanisad	Upanisadtirtha.
14.	(a) Pali Sutta Pitak	Sutta Visarada.
	(b) Pali Vinay Pitak	Vinay Visarada.
	(c) Pali Abhidharma Pitak	Abhidharma Visarada.

List of "titles, orders and decorations" accepted for purposes of enrolment on the electoral rolls for the Provincial Legislative Councils.

[PARA. 2(*b*), PART IV OF THE GOVERNMENT OF INDIA (PROVINCIAL LEGISLATIVE COUNCILS) ORDER, 1936.]

LIST I.—TITLES AND HONOURS CONFERRED BY HIS MAJESTY THE KING-EMPEROR.

Victoria Cross.
Order of the Garter.
Order of the Thistle.
Order of St. Patrick.
Order of the Bath.
Order of Merit.
Baronet.
Order of the Star of India.
Order of St. Michael and St. George.
Order of the Indian Empire.
Order of the Crown of India.
Royal Victorian Order.
Order of the British Empire.
Order of the Companions of Honour.
Knights Bachelor.
Distinguished Service Order.
Imperial Service Order.
Royal Red Cross.
Distinguished Service Cross (Naval).
Military Cross.
Distinguished Flying Cross.
Air Force Cross.
Kaisar-i-Hind Medal (First Class).
Order of St. John of Jerusalem.

LIST II.—INDIAN TITLES.

Higher Titles (either Hereditary or Personal).

1. Maharajadhiraja.
2. Maharaja Bahadur.
3. Maharaja.
4. Maharani.
5. Nawab Bahadur.
6. Raja Bahadur.
7. Nawab.
8. Raja.
9. Begum.
10. Rani.

Lower Titles (Personal).

1. Shams-ul-Ulama.
2. Mahamahopadhyaya.
3. Aggamahapandita.
4. Hazik-ul-Mulk.
5. Diwan Bahadur.
6. Sardar Bahadur.
7. Khan Bahadur.
8. Rai Bahadur.
9. Rao Bahadur.
10. Shifa-ul-Mulk.
11. Vaidyaratna.
12. Chikitsakratna.

LIST III.—INDIAN DECORATIONS.

1. Order of British India.
2. Indian Order of Merit (Military).
3. Kaisar-i-Hind Medal (Second Class).
4. Kaisar-i-Hind Medal (Third Class).
5. Indian Order of Merit (Civil).

No. 1 of 1936/R. Dis. No. 602-I.T/35, dated Simla, the 9th May 1936.

CIRCULAR.

From—The Second Secretary, Central Board of Revenue, Government of India,

To—All Commissioners of Income-tax.

Government of India Act, 1935—Provincial Electoral Rolls—Preparation of—Duties of Income-tax Officers.

The orders in this Circular relate to the preparation of electoral rolls for Provincial Chambers under the Government of India Act, 1935.

2. Under section 60(1) of that Act there is to be a Provincial Legislative Assembly in every Province, and in addition there is to be a Provincial Legislative Council in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam.

3. The regulations relating to the preparation of electoral rolls for these Chambers are contained in the Sixth Schedule to the Government of India Act, 1935, and in the Government of India (Provincial Legislative Assemblies) Order, 1936, and the Government of India (Provincial Legislative Councils) Order, 1936.

4. Paragraphs 3 and 4 of Part I of the Sixth Schedule lay down certain general qualifications of age, citizenship and sanity; paragraphs 5 and 6 lay down qualifications of race or community for inclusion in the electoral roll of special constituencies; paragraph 7 provides against any person having a vote in more than one territorial constituency; while the opening paragraphs of the various parts of the Schedule applicable to particular Provinces lay down a qualification of local residence. Income-tax Officers have no responsibility in connection with any of these qualifications, since the facts involved are not facts which have to be found in order to determine the assessment to income-tax of any person who is assessed direct and not through an agent. They should, therefore, forward to the authority charged with the duty of preparing or revising the electoral roll (hereafter in this Circular called "the electoral authority") complete lists with names and addresses of persons who are apparently qualified in connection with income-tax assessments made direct and not through an agent (in accordance with the instructions contained in this Circular), leaving it to the electoral authority to exclude persons disqualified in connection with any of the above matters and to allot to special constituencies those persons in the lists who are qualified for inclusion in such constituencies.

5. In addition to the general list relating to the Provincial Legislative Assembly, a supplementary list will be necessary containing the names of such individuals, Hindu joint families or firms engaged in commerce and industry as are entitled, according to the regulations in force in the particular Province (regarding which the Income-tax Officer should obtain information from the officer preparing the electoral rolls), to vote either personally in the case of individuals or through a nominee in other cases for special constituencies for the election of representatives of commerce, industry, etc. Except in the Provinces of

Assam, Orissa and the Central Provinces, where membership of a constituent body such as a Chamber of Commerce is not one of the necessary qualifications, the preparation of these supplementary lists should not be undertaken until the electoral officer concerned has supplied the Income-tax Officer concerned with a list of the members of the constituent body or bodies concerned, so that the Income-tax Officer will only have to look through this list in order to ascertain whether those named in it satisfy the necessary conditions which have been laid down for the particular Province as regards the amount of income-tax to which they have been assessed. In the Provinces of Assam, Orissa and the Central Provinces it is not possible so to limit the work and the whole list of non-company assessees with incomes over the prescribed limits will have to be scrutinized.

6. The compilation of the lists referred to in the preceding paragraph should be undertaken only on receipt of a request from the electoral authority.

7. Certificates that a person has been assessed to income-tax, etc., may be granted on application made by the assessee provided that he satisfies the Income-tax Officer that his name has been inadvertently omitted from the list referred to in the two preceding paragraphs or that corroboration of the entry in the list has been required by the electoral authority.

8. Both the Provincial Legislative Assemblies Order (paragraph 25) and the Provincial Legislative Councils Order (paragraph 10) impose upon the appropriate Income-tax Officers the duty of giving such information as is necessary to enable the electoral authority to discharge its duty and override to this extent the provisions of section 54 of the Indian Income-tax Act. The information supplied, however, should be only that which is so necessary and therefore should be confined to the statement that a person "was assessed to income-tax" or "was assessed to income-tax and had a total income of not less than so much" and should not include particulars as to the actual figure of any person's assessed income. Such particulars may, however, be supplied in a certificate applied for under the last preceding paragraph of this Circular, *provided that the assessee himself asks for it to be so supplied.*

9. *Provincial Legislative Assemblies.*—In all Provinces one of the qualifications entitling a person to be registered as a voter for a Provincial Legislative Assembly is that he shall "during" or "in" the previous year have been "assessed to income-tax." The expressions contained in this phrase are to be interpreted in the following way:—

(*a*) The term "person" excludes any corporate body other than a Hindu Undivided Family.

Where an assessee is such a Family, the fact should be signified, e.g., by adding the letters H.U.F., and the Karta's name should, if possible, be added in brackets.

(*N. B.*—This ruling is without prejudice to the case of the special constituencies referred to in paragraph 5 of this Circular.)

(*b*) The term "assessed to income-tax" will be read as including persons who have been liable to assessment in the year concerned in respect of income from salaries but upon whom no formal assessment has been made because the Income-tax Officer has been satisfied that the

correct tax has been recovered by deduction at source; but otherwise the term must be interpreted literally, that is to say, there must have been assessment proceedings and these proceedings must have disclosed the fact that the total income of the person concerned includes some item, however small, which is not exempted from income-tax under section 14(2) or any other section, sub-section or proviso referred to in section 16 of the Indian Income-tax Act, or any similar exemption (*c.f.*, paragraph 18 of Part III of the Income-tax Manual, Sixth Edition). As a special exception to this exclusion of persons whose total income is entirely exempted under the provisions mentioned, it is laid down in the Sixth Schedule to the Government of India Act, 1935, and in the Orders, that a reference to persons assessed to income-tax includes a reference to a partner in a firm assessed to income-tax if his share of the firm's income is not less than the minimum on which tax was leviable.

Thus:—(*i*) If a person's total income is wholly derived from dividends and/or interest on income-tax free Government securities, he cannot be said to be assessed; but if he has as much as one rupee of income under such other heads as salaries, interest on non-tax free securities, property, business or professional earnings, and his "total income" exceeds the minimum, he is "assessed to income-tax." The fact that income-tax may not actually be levied as a result of such assessment owing to the operation of section 18(5) or section 49-A is immaterial.

(*ii*) The latter remarks apply to a person a part of whose income is derived from his share in a firm; and a partner is also to be treated as an assessee even if the whole of his income comes from the firm, provided that the amount of his share is sufficient to bring his total income within the taxable limit.

(*c*) The term "during" or "in the previous year" must be read as referring to any assessment that has been made *for* that year and has also been completed *within* that year by the Income-tax Officer who makes it (it is not necessary to await the disposal of any appeal or application for review that may have been made). This may disfranchise a number of persons who ought equitably to be included in the roll, but whose assessment has been delayed, and may, on the other hand, enfranchise persons whose income will ultimately be found to be below the taxable limit; but the Income-tax Department is not concerned with these results.

10. *Provincial Legislative Councils.*—Here the qualification with which the Income-tax Department is concerned is that the person shall in the previous year have both been assessed to income-tax and have had in the year in respect of which the assessment was made a total income of not less than a given figure, which varies from Province to Province, and which should be supplied to Income-tax Officers, by the electoral authority. In applying these provisions the terms "assessed to income-tax in the previous financial year" must be interpreted as in the last preceding paragraph. The term "total income" must be interpreted in accordance with sub-section (15) of section 2 of the Indian Income-tax Act.

Thus:—A person whose total income is derived from dividends, etc., is not eligible even though that total income may have been not less than

the given figure for the Province. But if in addition he has any amount, however small, of non-exempted income, he is eligible. A partner in a firm, on the other hand, is eligible even though he has no other income provided that his share in the firm's income is not less than the given figure for the Province.

11. Nothing in this Circular relates to the preparation of electoral rolls for the Council of State which, pending the establishment of a Federal Government, will continue to be made under the earlier Government of India Act. There is here no provision authorizing Income-tax Officers to ignore the condition of secrecy imposed by section 54 of the Indian Income-tax Act, and it is therefore not possible to supply lists showing that a person's total income is not less than the prescribed amount. The only assistance that can be given pending the establishment of a Federal Council of State (when, it may be presumed, the appropriate Order in Council will contain a clause corresponding to those which have been incorporated in the Provincial Legislative Assemblies Order and the Provincial Legislative Councils Order concerning the duty of Income-tax Officers) is to furnish any assessee with a certificate on application made by him personally, compliance with which is, of course, no breach of confidence.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 1312 A.R.D.—15th May 1936.—In exercise of the power conferred by sub-clause (*c*) of clause (3) of rule 15 of the Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, read with paragraph 26 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is pleased to appoint for the constituencies of the Bengal Legislative Assembly, named below, the Registering Authority noted against each:—

(1) The North Bengal Municipal General (Urban) Constituency—The Commissioner of the Rajshahi Division.

(2) The East Bengal Municipal General (Urban) Constituency—The Commissioner of the Dacca Division.

(3) The Anglo-Indian Constituency—The Member, Board of Revenue, Bengal.

R. N. GILCHRIST,

Reforms Commr. and Joint Secy. (ex-officio) to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 1346 A. R. D.—15th May 1936.—In exercise of the powers conferred by paragraph 2 of Part I of the Sixth Schedule to the Government of India Act, 1935, and paragraph 4 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with paragraph 26 of Part I of that Order, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is pleased to direct that for the purpose of constituting the Legislative Assembly of the province the electoral roll for every constituency specified below shall be made up by reference to the date mentioned against each :—

	Name of constituency.	Prescribed date.
I.	A General Constituency ..	The 14th April 1936.
II.	A Muhammadan Constituency ..	The 14th April 1936.
III.	A Women's Constituency ..	The 14th April 1936.
IV.	The Anglo-Indian Constituency ..	The 14th April 1936.
V.	A European Constituency ..	The 14th April 1936.
VI.	An Indian Christian Constituency ..	The 14th April 1936.
VII.	A Commerce and Industry Constituency	The 1st April 1936.
VIII.	A Landholders' Constituency ..	The 14th April 1936.
IX.	A Labour Constituency ..	The 1st April 1936.

R. N. GILCHRIST,

Reforms Commr. and Joint Secy.
(ex-officio) to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 2540 A.R.D.—22nd May 1936.—In exercise of the power conferred by sub-clause (*c*) of clause (3) of rule 9 of the Bengal Legislative Council Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, read with paragraph 23 of Part I of the Government of India (Provincial Legislative Councils) Order, 1936, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is pleased to appoint the Member, Board of Revenue, Bengal, to be the Registering Authority for the European Constituency of the Bengal Legislative Council.

R. N. Gilchrist,
Reforms Commr. and Joint Secy. (ex-officio)
to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 2411 A.R.D.—22nd May 1936.—In exercise of the power conferred by paragraph 5 of Part I of the Government of India (Provincial Legislative Councils) Order, 1936, read with paragraph 23 of Part I of that order, and of all other powers enabling him in that behalf, the Governor of Bengal in Council is pleased to direct that for the purpose of constituting the Legislative Council of the province the electoral roll for each of the territorial constituencies shall be made up by reference to the 14th of April 1936.

R. N. GILCHRIST,
Reforms Commr. and Joint Secy. (ex-officio)
to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 4389A.R.—16th July 1936.—In exercise of the power conferred by the proviso to rule 3 of the Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, read with paragraph 26 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, and of all other powers enabling him in that behalf, the Governor in Council is pleased to authorise the Additional Subdivisional Magistrates mentioned below to perform all the functions of the Returning Officer in the constituencies noted against each:—

	Constituencies.
I. Additional Sadar Subdivisional Magistrate, Chittagong.	Chittagong South (Muhammadan Rural) constituency comprising the Satkania, Banskhali and Anwara police-stations of the Sadar subdivision of the Chittagong district.
	Chittagong South Central (Muhammadan Rural) constituency comprising the Patiya, Boalkhali and Rangania police-stations of the Sadar subdivision of the Chittagong district.
II. Additional Sadar Subdivisional Magistrate, Tippera.	Tippera North (Muhammadan Rural) constituency comprising the Debiduar and Muradnagar police-stations of the Sadar subdivision of the Tippera district.
	Tippera West (Muhammadan Rural) constituency comprising the Homna and Daudkandi police-stations of the Sadar subdivision of the Tippera district.

R. N. GILCHRIST,

Reforms Commr. and Joint Secy. (ex-officio) to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 5561A.R.—3rd August 1936.—Whereas by notification No. 1479-A.R.—D., dated the 15th May 1936, the Governor in Council appointed the Trade Union Constituencies Tribunal to perform the functions conferred on him by paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936:—

And whereas the said Tribunal certified the following Trade Unions as having satisfied the conditions referred to in sub-paragraph (2) of the said paragraph to be recognised Trade Unions:

Now, therefore, in pursuance of the provisions of rule 47 of the Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, the Governor in Council is pleased to publish the following list of recognised Trade Unions:—

(1) Kanchrapara Railway Workmen's Union.

(2) E. B. Railway Indian Employees' Association.

(3) Bengal-Nagpur Railway Indian Labour Union.

(4) Indian Seamen's Union.

(5) E. I. Railway Employees' Association.

(6) Bengal Mariners' Union, with which the I. M. and W. U. is amalgamated.

(7) Railway Press Workers' Union.

(8) Calcutta Tramway Workers' Union.

(9) Kankinarah Labour Union.

(10) Press Employees' Association.

(11) Calcutta Sramik Mandal.

(12) Calcutta Corporation Employees' Association.

(13) Howrah Sramik Sangha.

(14) All Bengal Press Workers' Union.

R. N. Gilchrist,

Reforms Commr. and Joint Secy. (ex-officio) to the Govt. of Bengal.

GOVERNMENT OF BENGAL.

Appointment Department.

Reforms.

NOTIFICATION.

No. 5562A.R.—3rd August 1936.—Whereas by notification No. 1479-A.R.—D., dated the 15th May 1936, the Governor in Council appointed the Trade Union Constituencies Tribunal to perform the functions conferred on him by paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936:

And whereas the said Tribunal certified the following recognised Trade Unions as having satisfied the conditions referred to in sub-paragraph (1) of the said paragraph to be constituent Trade Unions:

Now, therefore, in pursuance of the provisions of rule 47 of the Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936, the Governor in Council is pleased to publish the following list of constituent Trade Unions:—

(1) Kanchrapara Railway Workmen's Union.
(2) E. B. Railway Indian Employees' Association.
(3) Bengal-Nagpur Railway Indian Labour Union.
(4) Indian Seamen's Union.
(5) E. I. Railway Employees' Association.
(6) Bengal Mariners' Union, with which the I. M. and W. U. is amalgamated.
(7) Railway Press Workers' Union.

R. N. GILCHRIST,
Reforms Commr. and Joint Secy. (ex-officio) to the Govt. of Bengal.

B. G. Press—1936-37—5759B—1,000.

Government Publications for Sale

AVAILABLE AT

Bengal Government Press (Publication Branch)

38, Gopalnagar Road, Alipore

and

Sales Office, Writers' Buildings, Calcutta

CURRENT MISCELLANEOUS PUBLICATIONS:—

Boards. The Bengal Miscellaneous Rules 1934 Re 1-1a (6a).

Bulletin

District Faridpur As . (1a)

District Pabna As 4 (2a)

(Compiled by Bengal Board of Economic Enquiry.)

Cinchona. Seventy second Annual Report of the Government Plantations and Factory in Bengal for the year 1933-34 As 5 (2a).

Chief Engineer. Annual Report of the Public Health Department, Bengal, for the years 1932 and 1933 Re 1 (2a).

Civil List. Half yearly—for Bengal corrected up to 1st January 1935 Rs 3 8a (Re 1-1a).

Dispensaries. List of Hospitals,—and other Medical institutions in Bengal, corrected up to 31st December 1933 Re 1-2a (4a).

Dispensaries. Annual Report on the Working of Hospitals and—under the Government of Bengal for the year 1933 Rs. 2 (6a).

Government Estates. Extracts from the—Manual, 1932, corrected up to June 1934, Chapters III, IV and V As 12 (3a) in Bengali.

Justice. Report on the Administration of Civil in the Presidency of Bengal during the year 1933 Re 1-2a (3a.).

Land Revenue. Report on the—Administration of the Presidency of Bengal for the year 1933-34 As. 13 (3a).

Legislation. Effect of—List for 1933. As 1 (1a).

Moslem. Report of the—Education Advisory Committee, 1934 As 4 (4a.).

Practice. The Bengal—and Procedure Manual 1931 Re 1 (6a).

Publicity Board, Bengal. Pamphlets—

"Jaudpurer Krishi" by Babu Binodlal Bhaduri in Bengali As 4 (1a.).

"The Position and Powers of the Governor in the new Constitution" As 2 (1a).

"Unemployment Relief Scheme." As 2 (1a).

Tables. Chronological—for 1935. As 1 (1a).

Trees of Northern Bengal by A. M. Cowan and J. M. Cowan. Re 1-12a (4a).

Workmen's. Form "G" under the—Compensation Act. Pies 6 (9p.).

CATALOGUES FREE